

JOURNAL

OF THE

SENATE

OF THE

FIRST SESSION OF THE

123rd GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA

BEING THE

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

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Tuesday, January 14, 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:

Jeremiah 29:11

“For I know the plans I have for you,” declares the Lord, “plans to prosper you and not harm you, plans to give you hope and a future.”

Let us pray. Gracious and Almighty God, You are the Architect of our world and the Creator of our being. Your power is beyond our comprehension but Your word is clear and gives meaning and purpose to our lives.

As we begin a new year, open our hearts and minds to the plans you have set before us -- plans to give us hope and a future. By Your grace, O God, there will be better things ahead of us than we have left behind. Help us to burn the bridges of the past so that we can move forward in Your plan for our future.

If that means forgiving those beside us, so be it. If that means leaving the pain of broken relationships behind us, so be it. If that means breaking destructive habits, so be it. For how can we start the next chapter in our life if we keep reading the last one?

This much we know, that in all things we can be more than conquerors through the power of Your Holy Spirit. Amen.

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

Point of Quorum

At 12:02 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

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MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Director of Department of Public Safety, with the term to commence February 1, 2020, and to expire February 1, 2024

Reginald Burgess, 5414 Clearview Dr., North Charleston, SC 29420-7804 *VICE* Leroy Smith

Referred to the Committee on Judiciary.

Initial Appointment, Director, South Carolina Department of Natural Resources, serves at the pleasure of the Board.

Robert H. Boyles, Jr., 601 Coral Street, Mt. Pleasant, SC 29464 *VICE* Alvin Taylor

Referred to the Committee on Fish, Game and Forestry.

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2018, and to expire July 1, 2022

2nd Congressional District:

Michael E. Hutchins, 1 Panorama Drive, Lexington, SC 29072

Referred to the Committee on Fish, Game and Forestry.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2016, and to expire June 30, 2020

1st Congressional District:

Barry D. Malphrus, 6036 Vaux Road, Beaufort, SC 29906-9472 *VICE* Eva Ravenel

Referred to the Committee on Medical Affairs.

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Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2017, and to expire June 30, 2021

3rd Congressional District:

David L. Thomas, 305 South Weston Street, Fountain Inn, SC 29644-1943 VICE Vicki Thompson

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Department of Veterans Affairs, with term coterminous with Governor

Secretary:

Bobby J. Cox, 6 Barnstable Ct., Greer, SC 29650-5314

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Department on Aging, with term coterminous with Governor

Director:

Connie D. Munn, 1025 Foxridge Court, Sumter, SC 29150-1732

Referred to the Committee on Family and Veterans' Services.

COMMUNICATION FROM THE CLERK

January 14, 2020

Chapter 2, Title 2 of the 1976 Code, as added by the South Carolina Restructuring Act of 2014, provides a framework for systematic oversight of government agencies by the General Assembly. The PRESIDENT, after consulting with the Standing Committee Chairmen and the Clerk of the Senate pursuant to Section 2-2-30 of the 1976 Code, determined that the Senate will schedule the following state agencies for Oversight Review during 2020:

Governor's School for Science and Mathematics
Department of Juvenile Justice
State Law Enforcement Division (SLED)
Patriots Point Development Authority
Retirement System Investment Commission
Tuition Grants Commission

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Agencies scheduled for review are encouraged to review the provisions contained in Chapter 2, Title 2 so that they may prepare for the oversight process.

REGULATIONS RECEIVED

The following were received and referred to the appropriate committees for consideration:

Document No. 4878

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 et seq., and 38-73-70

SUBJECT: Named Storm or Wind/Hail Deductible

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

Document No. 4879

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Section 58-3-140

SUBJECT: E-Filing and E-Service

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Judiciary

Document No. 4880

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 44-1-140

SUBJECT: Control of Anthrax

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4883

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

SUBJECT: Hazardous Waste Management Regulations

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

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Document No. 4884

Agency: Commission on Indigent Defense

Chapter: 70

Statutory Authority: 1976 Code Sections 17-3-10, 17-3-20, 17-3-45, and 17-3-310

SUBJECT: Indigent Screening Process

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Judiciary

Document No. 4885

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

SUBJECT: Classified Waters

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Agriculture and Natural Affairs

Document No. 4886

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-65, 46-45-80, and 48-1-10 et seq.

SUBJECT: Standards for the Permitting of Agricultural Animal Facilities

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Agriculture and Natural Affairs

Document No. 4887

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

SUBJECT: Water Classifications and Standards

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Agriculture and Natural Affairs

Document No. 4889

Agency: Department of Labor, Licensing and Regulation - Board of Chiropractic Examiners

Chapter: 25

Statutory Authority: 1976 Code Section 40-9-30(D)(3)

SUBJECT: Board of Chiropractic Examiners

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Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4890

Agency: Department of Labor, Licensing and Regulation - Board of Dentistry

Chapter: 39

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G)

SUBJECT: Laboratory Work Authorization Form; Sanitary Standards; and Ethics

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4891

Agency: Department of Labor, Licensing and Regulation - Board of Landscape Architectural Examiners

Chapter: 76

Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

SUBJECT: Continuing Education

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Labor, Commerce and Industry

Document No. 4892

Agency: Department of Labor, Licensing and Regulation - Board of Long Term Health Care Administrators

Chapter: 93

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

SUBJECT: Health Services Executive

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4893

Agency: Department of Labor, Licensing and Regulation - Office of Occupational Safety and Health

Chapter: 71

Statutory Authority: 1976 Code Section 41-15-220

SUBJECT: Recording and Reporting Occupational Injuries and Illnesses

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Labor, Commerce and Industry

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Document No. 4894

Agency: State Fiscal Accountability Authority

Chapter: 19

Statutory Authority: 1976 Code Sections 11-35-10 et seq., and 2019 Act No. 41, Section 76

SUBJECT: Consolidated Procurement Code

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Finance

Document No. 4897

Agency: Department of Health and Environmental Control

Chapter: 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

SUBJECT: Statement of Policy; and Administrative Procedures

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4898

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 59-111-510 through 59-111-580

SUBJECT: Medical and Dental Scholarship Fund

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4900

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 43-1-80

SUBJECT: Licensure for Foster Care

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Family and Veterans' Services

Document No. 4901

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-7-2320

SUBJECT: Licensure for Foster Care

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Family and Veterans' Services

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Document No. 4902

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-1-140(3) and 44-1-150

SUBJECT: Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Agriculture and Natural Affairs

Document No. 4903

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-1-140 and 44-1-150

SUBJECT: Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Agriculture and Natural Affairs

Document No. 4904

Agency: Office of the Attorney General

Chapter: 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

SUBJECT: Procedures for Administrative Hearings before the Securities Commissioner

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Judiciary

Document No. 4905

Agency: Department of Labor, Licensing and Regulation - Board of Funeral Service

Chapter: 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-60

SUBJECT: Inspection Guidelines

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Labor, Commerce and Industry

Document No. 4912

Agency: Office of the Attorney General

Chapter: 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

SUBJECT: Securities

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Received by Lieutenant Governor January 14, 2020

Referred to Committee on Judiciary

Document No. 4913

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-112-100

SUBJECT: Determination of Rates of Tuition and Fees

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Document No. 4914

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

SUBJECT: General Regulation; and Additional Regulations Applicable to Specific Properties

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Fish, Game and Forestry

Document No. 4915

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

SUBJECT: Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Fish, Game and Forestry

Document No. 4916

Agency: Department of Transportation

Chapter: 63

Statutory Authority: 1976 Code Section 57-5-1650

SUBJECT: Contractor Performance Evaluation

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Transportation

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Document No. 4917

Agency: Department of Transportation

Chapter: 63

Statutory Authority: 1976 Code Section 57-5-1650

SUBJECT: Disqualification and Suspension from Participation in
Contracts with the South Carolina Department of Transportation

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Transportation

Document No. 4918

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-26-10, 59-26-30, and 59-
26-40

SUBJECT: Assisting, Developing, and Evaluating Professional
Teaching (ADEPT)

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Document No. 4919

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-
110, 59-25-115, 59-26-40, and 59-26-85

SUBJECT: Credential Classification

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Document No. 4920

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, and 59-25-
110

SUBJECT: Renewal of Credentials

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Document No. 4921

Agency: Department of Labor, Licensing and Regulation - Board of
Cosmetology

Chapter: 35

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Statutory Authority: 1976 Code Section 40-13-70
SUBJECT: Continuing Education and Continuing Education Programs
Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4922
Agency: Department of Labor, Licensing and Regulation
Chapter: 10
Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70
SUBJECT: Fee Schedules
Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4923
Agency: Department of Labor, Licensing and Regulation - Board of Accountancy
Chapter: 1
Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70
SUBJECT: Board of Accountancy
Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4924
Agency: Department of Labor, Licensing and Regulation - Board of Registration for Geologists
Chapter: 131
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-77-70
SUBJECT: Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency
Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4925
Agency: Department of Labor, Licensing and Regulation - Board of Examiners in Opticianry
Chapter: 96
Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60
SUBJECT: Apprenticeships

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Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4926

Agency: Department of Labor, Licensing and Regulation - Board of Pharmacy

Chapter: 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(C), (D)(5) & (D)(8), and 40-43-86(B)

SUBJECT: Compounding of Veterinary Drug Preparations

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4927

Agency: Department of Labor, Licensing and Regulation - Board of Pharmacy

Chapter: 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(C) and (D)(8), 40-43-86(B), and 40-43-150

SUBJECT: Facility Permit Classifications

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4929

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-13-1030

SUBJECT: Corporate Governance Annual Disclosure Regulation

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

Document No. 4931

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-61-30

SUBJECT: Minimum Standards for the Readability of Commonly Purchased Insurance Policies

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

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Document No. 4932

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-71-2200 et seq.

SUBJECT: Pharmacy Benefits Managers

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

Document No. 4934

Agency: State Board of Financial Institutions - Consumer Finance Division

Chapter: 15

Statutory Authority: 1976 Code Sections 34-41-10 et seq., particularly Section 34-41-130

SUBJECT: Check Cashing

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

Document No. 4935

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-58-40

SUBJECT: Licensing Criteria

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Document No. 4936

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-114-75

SUBJECT: South Carolina National Guard College Assistance Program

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Document No. 4937

Agency: Department of Labor, Licensing and Regulation - Building Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

SUBJECT: International Building Code

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Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4938

Agency: Department of Labor, Licensing and Regulation - Building
Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

SUBJECT: International Fire Code

Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4939

Agency: Department of Labor, Licensing and Regulation - Building
Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

SUBJECT: International Fuel Gas Code

Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4940

Agency: Department of Labor, Licensing and Regulation - Building
Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

SUBJECT: International Mechanical Code

Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

Document No. 4941

Agency: Department of Labor, Licensing and Regulation - Building
Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

SUBJECT: International Residential Code

Received by Lieutenant Governor January 14, 2020
Referred to Committee on Labor, Commerce and Industry

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Document No. 4942

Agency: Department of Labor, Licensing and Regulation - Building
Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

SUBJECT: National Electrical Code

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Labor, Commerce and Industry

Document No. 4953

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-260 et seq.

SUBJECT: Standards for Licensing Renal Dialysis Facilities

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Document No. 4954

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-260 et seq.

SUBJECT: Standards for Licensing Facilities that Treat Individuals for
Psychoactive Substance Abuse or Dependence

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4852

Agency: Department of Labor, Licensing and Regulation - Board of
Long Term Health Care Administrators

Chapter: 93

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

SUBJECT: Board of Long Term Health Care Administrators

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Medical Affairs

Legislative Review Expiration May 8, 2019

Doctor of the Day

Senator McLEOD introduced Dr. Patricia Witherspoon of Columbia,
S.C., Doctor of the Day.

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Leave of Absence

At 12:17 P.M., Senator NICHOLSON requested a leave of absence for Senator GAMBRELL for the day.

Leave of Absence

At 12:17 P.M., Senator VERDIN requested a leave of absence for Senator GROOMS for the day.

Expression of Personal Interest

Senators SHEHEEN and ALEXANDER rose for Expressions of Personal Interest.

Remarks by Senator SHEHEEN

Mr. PRESIDENT, I would like to ask the Orange Tie Brigade to come forward, Senator MASSEY and Senator VERDIN. I will be very brief, but I do want to take the floor for a moment with these people to say this. Sometimes, there is more to respect, admire, and celebrate in defeat although we do not like it, than there is in victory. I just wanted to take the floor Senator ALEXANDER and I wanted to share it with you and anybody else to say how proud we all should be about our Clemson Tigers who show incredible stamina, endurance, moral quality and anything you can say. Senator HARPOOTLIAN, you should be up here, come on. I want to take the floor because if we had won last night we would have spent three hours talking about it, but I think it certainly deserves recognition and honor of the incredible amount of effort this season. We saw high quality and much character from our team and our University. I say ours, because I think these Universities whether it's USC or Clemson or any other, they belong to all of us. I am incredibly proud of our Clemson Tigers and the effort they showed.

Remarks by Senator ALEXANDER

Thank you, Mr. PRESIDENT. The caliber of the individuals, the leadership of Coach Sweeney and his coaches make South Carolina proud and I'm proud to stand today, the day after we were not as successful as we hoped -- but it was said, "We didn't win but we didn't lose." We held our heads high and our team gave it their very best and we're extremely proud of their efforts, not only last night but in representing Clemson University and the State of South Carolina. Thank you, Mr. PRESIDENT.

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On motion of Senator SETZLER, with unanimous consent, the remarks of Senators SHEHEEN and ALEXANDER, were ordered printed in the Journal.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 6	Sens. McElveen, Kimpson
S. 89	Sen. Gregory
S. 91	Sen. Young
S. 112	Sen. Bennett
S. 125	Sens. Climer, Davis
S. 131	Sen. Senn
S. 135	Sen. Kimpson
S. 445	Sen. Climer
S. 660	Sen. Cromer
S. 690	Sens. Senn, Davis, Campbell
S. 870	Sens. Allen, M.B. Matthews
S. 871	Sen. Campsen
S. 885	Sen. Campsen
S. 887	Sen. Shealy
S. 890	Sens. Campsen, Senn, Young, Shealy, Turner
S. 892	Sen. Campbell
S. 901	Sen. Nicholson
S. 941	Sen. Campsen
S. 944	Sen. Climer
S. 949	Sen. Campsen
S. 954	Sen. Setzler

CO-SPONSOR REMOVED

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

S. 901 Senator Talley

Motion Adopted

Senator ALEXANDER asked unanimous consent to make a motion that the list of prefiled Bills, a copy of which has been made available to

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each member, and any additional Bills to be introduced be entered in the Journal *en banc* as having been read and referred, as noted, unless any member shall make a motion to refer a Bill to a different committee.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 864 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, FEBRUARY 5, 2020, AT NOON AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, AT LARGE, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, AT LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT TWO MEMBERS TO THE COMMISSION OF THE OLD EXCHANGE BUILDING, AT LARGE, WHOSE TERMS WILL EXPIRE JUNE 30, 2024; AND TO ELECT, PURSUANT TO SECTION 2-15-10, FROM AMONG THE CANDIDATES NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL NOMINATING COMMITTEE PURSUANT TO SECTION 2-15-20, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, AT LARGE, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ATTORNEY SEAT, AND ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ACCOUNTANT SEAT, ALL OF WHOSE TERMS WILL EXPIRE JUNE 30, 2025.

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Prefiled and referred to the Committee on Operations and Management.

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

S. 865 -- Senators Jackson, Hutto and Shealy: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

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Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 866 -- Senator Campsen: A BILL TO AMEND SECTION 5-15-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION 5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 867 -- Senator Campsen: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-

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PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; AND TO PROVIDE THAT SECTIONS 1, 2, AND 3 OF THIS ACT ARE REPEALED ON JANUARY 1, 2021.

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Prefiled and referred to the Committee on Judiciary.

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

S. 868 -- Senator Campsen: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

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Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 869 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 25 TO TITLE 51 SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT OF DOLLARS FOR THE FUND ANNUALLY, AND TO MAKE CONFORMING CHANGES; AND TO REPEAL CHAPTER 40,

TUESDAY, JANUARY 14, 2020

TITLE 48 RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

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Prefiled and referred to the Committee on Fish, Game and Forestry.

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 870 -- Senators Campsen, Setzler, J. Matthews, Reese, Jackson, Rankin, Alexander, Hutto, Grooms, Cromer, Sheheen, Davis, Nicholson, Gregory, Johnson, Hembree, McElveen, Shealy, Turner, Young, Sabb, Kimpson, Gambrell, Fanning, McLeod, Senn, Talley, Harpootlian, Malloy, Allen and M. B. Matthews: A BILL TO AMEND ARTICLE 2, CHAPTER 43, TITLE 48 OF THE 1976 CODE, RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION, BY ADDING SECTION 48-43-300, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM APPROVING A PLAN, LICENSE, OR PERMIT APPLICATION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; TO AMEND SECTION 48-43-310 OF THE 1976 CODE, RELATING TO THE REQUIREMENT FOR AN EXPLORATION PERMIT AND THE DISPOSITION OF FUNDS COLLECTED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 48-43-390(H) OF THE 1976 CODE, RELATING TO PERMITS TO CONSTRUCT DEEP WATER PORT FACILITIES, TO MAKE CONFORMING CHANGES; TO AMEND ARTICLE 1, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS, BY ADDING SECTION 6-1-190, TO PROHIBIT THE APPROVAL OF A PLAN, LICENSE, OR PERMIT APPLICATION BY A CITY, COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF

TUESDAY, JANUARY 14, 2020

OFFSHORE CRUDE OIL OR NATURAL GAS; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 871 -- Senators Hutto and Campsen: A BILL TO AMEND SECTION 17-5-550 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO DUTIES OF THE CORONER IN CHILD DEATH INVESTIGATIONS, TO PERMIT THE CORONER, MEDICAL EXAMINER, OR LAW ENFORCEMENT OFFICER TO PETITION A MAGISTRATE, MUNICIPAL JUDGE, OR CIRCUIT COURT JUDGE WITHIN THE JURISDICTION FOR A WARRANT OBTAIN SAMPLES AND TO TEST THE BLOOD, BREATH, OR URINE OF THE CHILD'S CAREGIVER IF THERE IS PROBABLE CAUSE TO BELIEVE THE INTOXICATION OR IMPAIRMENT CONTRIBUTED TO THE DEATH OF THE CHILD; TO PROVIDE THAT THE SAMPLES OBTAINED PURSUANT TO THIS SECTION MUST BE HANDLED IN ACCORDANCE WITH PROCEDURES APPROVED BY THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION; TO PROVIDE THAT THE PERSON WHO OBTAINS THE SAMPLES AND THE MEDICAL FACILITY WHERE THE PROCEDURE IS PERFORMED IS RELEASED FROM CIVIL OR CRIMINAL LIABILITY UNLESS THE SAMPLE IS OBTAINED IN A NEGLIGENT, RECKLESS, OR FRAUDULENT MANNER; AND TO PROVIDE THAT NO PERSON MAY BE REQUIRED BY THE CORONER, MEDICAL EXAMINER, OR LAW ENFORCEMENT OFFICER TO OBTAIN OR TAKE A SAMPLE PURSUANT TO THIS SECTION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 872 -- Senators Hutto, Jackson and Shealy: A BILL TO AMEND SECTIONS 16-17-500 AND 16-17-501, AS AMENDED, AND SECTIONS 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006", SO AS TO REQUIRE TOBACCO RETAILERS TO OBTAIN A LICENSE

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TO SELL TOBACCO PRODUCTS AND TO ESTABLISH ASSOCIATED FEES AND PENALTIES, TO REDEFINE THE TERM "TOBACCO PRODUCTS", TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO CONDUCT AT LEAST TWO MINIMUM AGE SALES COMPLIANCE CHECKS ANNUALLY OF TOBACCO RETAIL ESTABLISHMENTS, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL COMPREHENSIVE TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

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Prefiled and referred to the Committee on Judiciary.

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

S. 873 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE MAY 12, 2020, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS DAY" AND THE MONTH OF MAY, ANNUALLY, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO HELP SPREAD AWARENESS OF THE DISEASE AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS LIVING WITH MYALGIC ENCEPHALOMYELITIS.

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Prefiled and referred to the Committee on Medical Affairs.

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

S. 874 -- Senator Verdin: A BILL TO AMEND SECTION 12-6-5060, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE STATE COMMISSION ON HIGHER EDUCATION.

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Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 14, 2020

S. 875 -- Senator Verdin: A BILL TO AMEND SECTION 23-31-510 OF THE 1976 CODE, RELATING TO LOCAL REGULATION OF THE OWNERSHIP, TRANSFER, OR POSSESSION OF A FIREARM AND RELATED PROVISIONS, TO PROVIDE THAT NO GOVERNING BODY OF ANY COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION IN THE STATE MAY ENACT OR PROMULGATE ANY REGULATION OR ORDINANCE THAT REGULATES OR ATTEMPTS TO REGULATE THE TRANSFER, OWNERSHIP, POSSESSION, CARRYING, TRANSPORTATION, MANUFACTURE, ASSEMBLY, STORAGE, WAREHOUSING, DISTRIBUTION, OR SALE OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, HOMEMADE FIREARMS CREATED OR ASSEMBLED WITHOUT A SERIAL NUMBER, OR ANY COMBINATION OF THESE THINGS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 876 -- Senator Verdin: A BILL TO AMEND SECTION 12-6-1140(8) OF THE 1976 CODE, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, TO ALLOW FOR A DEDUCTION FROM GROSS INCOME FOR DONATING HUMAN ORGANS FOR TRANSPLANTATION; AND TO AMEND ARTICLE 9, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO TAXABLE INCOME CALCULATION, BY ADDING SECTION 12-6-1230, TO PROVIDE THAT A TAXPAYER MAY DEDUCT UP TO TEN THOUSAND DOLLARS FROM HIS TAXABLE INCOME FOR EXPENSES RELATED TO HIS DONATION OR HIS DEPENDENT'S DONATION OF HUMAN ORGANS FOR TRANSPLANTATION.

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Prefiled and referred to the Committee on Finance.

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

S. 877 -- Senator Malloy: A BILL TO AMEND SECTION 11-35-1524(A) AND (B) OF THE 1976 CODE, RELATING TO RESIDENT VENDOR PREFERENCES, TO PROVIDE THAT A PROCUREMENT OFFICER SHALL DECREASE THE PRICE OF AN OFFER BY TWO PERCENT FOR AN END PRODUCT IF THE OFFER IS SUBMITTED BY A BUSINESS CERTIFYING THAT THE END PRODUCT WAS PRIMARILY MADE BY FORMER INMATES EMPLOYED BY THE BUSINESS; TO AMEND SECTION 11-35-

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4810(4) OF THE 1976 CODE, RELATING TO AUTHORIZED COOPERATIVE PURCHASING, TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Finance.

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

S. 878 -- Senator Malloy: A BILL TO AMEND SECTION 59-117-10 OF THE 1976 CODE, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, TO REVISE THE COMPOSITION OF THE BOARD; TO AMEND SECTION 59-117-20 OF THE 1976 CODE, RELATING TO THE TERMS OF THE MEMBERS OF THE BOARD, TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2021; TO AMEND SECTION 59-117-40(5) OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE BOARD, TO PROVIDE THAT THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THAT THE CHAIRMAN SERVES A TWO-YEAR TERM, AND TO PROVIDE THAT A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN; AND TO AMEND SECTION 59-117-50 OF THE 1976 CODE, RELATING TO MEETINGS OF THE BOARD, TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

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Prefiled and referred to the Committee on Education.

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

S. 879 -- Senator Cromer: A BILL TO AMEND SECTION 12-6-3530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT.

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Prefiled and referred to the Committee on Finance.

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

S. 880 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-43-25 SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE; TO AMEND

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SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DELETE THE DEFINITION OF "TRAVEL INSURANCE" AND TO ADD TRAVEL INSURANCE TO THE DEFINITION OF "MARINE INSURANCE"; AND TO AMEND ARTICLE 6 OF CHAPTER 43, TITLE 38, RELATING TO LIMITED LINES TRAVEL INSURANCE, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THAT TRAVEL INSURANCE MUST BE CLASSIFIED AND FILED AS MARINE INSURANCE SUBJECT TO CERTAIN EXCEPTIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ESTABLISH A TRAVEL INSURANCE PRODUCER LICENSE AND ESTABLISH CERTAIN REQUIREMENTS FOR AN APPLICANT, TO ASSESS A PREMIUM TAX ON TRAVEL INSURANCE PREMIUMS AND ESTABLISH CERTAIN REPORTING REQUIREMENTS, TO ESTABLISH CERTAIN REQUIREMENTS FOR TRAVEL PROTECTION PLANS, TO PROVIDE CERTAIN SALES PRACTICES FOR TRAVEL INSURERS, TO ESTABLISH CERTAIN LICENSING REQUIREMENTS FOR TRAVEL ADMINISTRATORS FOR TRAVEL INSURANCE, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

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Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 881 -- Senator Cromer: A BILL TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

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Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

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S. 882 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT" BY ADDING CHAPTER 101 TO TITLE 38 SO AS TO ADVANCE DIFFERENT FLOOD INSURANCE COVERAGES FOR THE BENEFIT OF CONSUMERS AND INSURERS.

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Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 883 -- Senators Cromer, Setzler, Massey, Jackson and Shealy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

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Prefiled and referred to the Committee on Transportation.

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

S. 884 -- Senator Sheheen: A BILL TO AMEND SECTION 6-1-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON MILLAGE INCREASES, SO AS TO ALLOW THE GOVERNING BODY OF A COUNTY TO SUSPEND THE LIMITATION FOR THE PURPOSE OF SUPPORTING A FIRE PROTECTION DISTRICT.

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Prefiled and referred to the Committee on Finance.

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

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S. 885 -- Senators Sheheen and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 15, TITLE 50 OF THE 1976 CODE, RELATING TO NONGAME AND ENDANGERED WILDLIFE SPECIES, BY ADDING SECTION 50-15-15, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SELL, PURCHASE, TRADE, EXCHANGE, BARTER, EXPORT, SHIP, TRANSFER THE POSSESSION OF, REHOME, REMOVE, OR ATTEMPT TO REMOVE FROM THIS STATE ANY NATIVE REPTILE OR AMPHIBIAN SPECIES AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY ESTABLISH POSSESSION LIMITS FOR REPTILE AND AMPHIBIAN SPECIES BY REGULATION; TO AMEND SECTION 50-15-30(B) AND (C) OF THE 1976 CODE, RELATING TO THE ENDANGERED SPECIES LISTED, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50-15-40(A), RELATING TO ESTABLISHING AND CARRYING OUT PROGRAMS FOR THE MANAGEMENT OF NONGAME AND ENDANGERED WILDLIFE, TO MAKE TECHNICAL CHANGES; TO AMEND ARTICLE 1, CHAPTER 15, TITLE 50 OF THE 1976 CODE, RELATING TO NONGAME AND ENDANGERED WILDLIFE SPECIES, BY ADDING SECTION 50-15-55, TO PROVIDE THAT IT IS UNLAWFUL FOR WILDLIFE THAT IS NOT NATIVE TO THIS STATE TO BE RELEASED FROM CAPTIVITY IN THIS STATE AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PROMULGATE REGULATIONS TO PROHIBIT OR OTHERWISE RESTRICT CERTAIN SPECIES OF NONNATIVE WILDLIFE IN THIS STATE; TO AMEND SECTION 50-15-80 OF THE 1976 CODE, RELATING TO PENALTIES, SEARCHES AND SEIZURES, THE POWER TO ARREST, AND THE DISPOSITION OF CONFISCATED PROPERTY, TO PROVIDE PENALTIES FOR THE SALE, PURCHASE, TRADE, EXCHANGE, BARTER, EXPORT, SHIPPING, TRANSFER, POSSESSION, OR REHOMING OF ANY NATIVE REPTILE OR AMPHIBIAN SPECIES AND FOR THE RELEASE FROM CAPTIVITY IN THIS STATE OF WILDLIFE THAT IS NOT NATIVE TO THIS STATE, TO PROVIDE THAT THE MAGISTRATE'S COURT HAS CONCURRENT JURISDICTION OVER SUCH VIOLATIONS, TO PROVIDE THAT A VIOLATOR MUST ALSO HAVE ANY PERMITS ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES REVOKED AND MAY NOT APPLY TO OBTAIN ANOTHER PERMIT FOR A

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CERTAIN PERIOD OF TIME; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Fish, Game and Forestry.

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 886 -- Senator Massey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-33-35 SO AS TO PROVIDE SPEECH-LANGUAGE PATHOLOGISTS EMPLOYED BY SCHOOL DISTRICTS OR CONTRACTED BY SCHOOL DISTRICTS THROUGH THIRD-PARTY VENDORS OR SERVICE PROVIDERS MAY PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES FOR RELATED SPECIAL EDUCATION SERVICES IN THE DISTRICT WITHOUT HOLDING AN EDUCATOR CERTIFICATE OR CREDENTIAL.

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Prefiled and referred to the Committee on Education.

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

S. 887 -- Senators Massey and Shealy: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS FOR PRISONERS, BY ADDING SECTION 24-13-190, TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE ADEQUATE NUTRITION FOR PREGNANT INMATES, AND TO ESTABLISH PROVISIONS RELATING TO THE RESTRAINT OF AN INMATE WHO IS KNOWN TO BE PREGNANT OR IN LABOR.

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Prefiled and referred to the Committee on Corrections and Penology.

Read the first time and referred to the Committee on Corrections and Penology.

S. 888 -- Senator Massey: A BILL TO AMEND SECTION 14-7-840 OF THE 1976 CODE, RELATING TO THE AGE EXEMPTION FROM JURY SERVICE, TO RAISE THE AGE EXEMPTION FROM SIXTY-FIVE YEARS OF AGE OR OLDER TO SEVENTY-FIVE YEARS OF AGE OR OLDER.

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Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 14, 2020

S. 889 -- Senator Massey: A CONCURRENT RESOLUTION TO RECOGNIZE NOVEMBER 4, 2020, AS "COLOR THE WORLD ORANGE FOR COMPLEX REGIONAL PAIN SYNDROME/REFLEX SYMPATHETIC DYSTROPHY AWARENESS DAY" IN SOUTH CAROLINA.

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Prefiled and referred to the Committee on Medical Affairs.

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

S. 890 -- Senators Massey, Climer, Harpootlian, Campsen, Senn, Young, Shealy and Turner: A SENATE RESOLUTION TO AMEND THE RULES OF PROCEDURE FOR THE SENATE, BY ADDING RULE 55, TO REQUIRE CERTAIN DISCLOSURES FOR APPROPRIATIONS REQUESTS BY MEMBERS.

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Prefiled and referred to the Committee on Rules.

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

S. 891 -- Senator Shealy: A BILL TO AMEND SECTION 61-4-90(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF BEER OR WINE FOR UNDERAGE PERSON'S CONSUMPTION, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO AMEND SECTION 61-6-4070(A), RELATING TO THE TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO REPEAL SECTION 61-4-100, RELATING TO CRIMINAL CHARGES BROUGHT AGAINST BOTH A SELLER AND PURCHASER; AND TO REPEAL SECTION 61-6-4085, RELATING TO CHARGES AGAINST A SELLER AND MINOR PURCHASER.

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Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 14, 2020

S. 892 -- Senators Shealy, Hutto, Jackson and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT" BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

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Prefiled and referred to the Committee on Family and Veterans' Services.

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

S. 893 -- Senators Shealy, McElveen and Harpootlian: A BILL TO AMEND CHAPTER 1, TITLE 10 OF THE 1976 CODE, RELATING TO PUBLIC BUILDINGS AND PROPERTY, BY ADDING SECTION 10-1-220, TO PROHIBIT THE NAMING OF PUBLIC PROPERTY PURCHASED OR CONSTRUCTED WITH STATE FUNDS OR OWNED BY THE STATE FOR ANY ELECTED OR APPOINTED OFFICIAL, COMMISSIONER, DIRECTOR, OR JUDGE UNTIL AT LEAST FIVE YEARS AFTER THE PERSON HAS DIED, TO PROVIDE THAT PUBLIC PROPERTY PURCHASED OR CONSTRUCTED WITH STATE FUNDS OR OWNED BY THE STATE MAY BE NAMED FOR A MEMBER OF THE PUBLIC AT LARGE, TO PROVIDE THAT PUBLIC PROPERTY NAMED AFTER AN ELECTED OR APPOINTED OFFICIAL, COMMISSIONER, DIRECTOR, OR JUDGE AS OF JULY 1, 2020, MAY RETAIN THE NAME, AND TO PROVIDE THAT A LIVING PERSON AFTER WHOM PUBLIC PROPERTY IS NAMED WHO IS SUBSEQUENTLY CONVICTED OF OR HAS PLED GUILTY TO A

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FELONY OR CRIME OF MORAL TURPITUDE SHALL HAVE HIS NAME REMOVED.

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Prefiled and referred to the Committee on Finance.

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

S. 894 -- Senator Shealy: A BILL TO AMEND SECTION 47-22-60(C) OF THE 1976 CODE, RELATING TO LOCATION AND EQUIPMENT REQUIREMENTS FOR VEHICLES USED TO TRANSFER RAW MATERIALS, TO PROVIDE THAT VEHICLES MUST BE COMPLETELY COVERED FOR BIOSECURITY PURPOSES.

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Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 895 -- Senator Shealy: A BILL TO AMEND SECTION 44-61-80 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL TECHNICIAN CERTIFICATES AND RELATED PROVISIONS, TO PROVIDE THAT THE SUSPENSION OR REVOCATION OF AN EMERGENCY MEDICAL TECHNICIAN CERTIFICATE SHALL INCLUDE ALL LEVELS OF CERTIFICATION AND TO PROVIDE FOR RELATED REPORTING REQUIREMENTS TO THE NATIONAL PRACTITIONER DATA BANK.

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Prefiled and referred to the Committee on Medical Affairs.

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

S. 896 -- Senator Shealy: A BILL TO AMEND SECTION 23-23-40 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO REQUIRE THAT THE COUNCIL DEVELOP MINIMUM STANDARDS AND PROMULGATE REGULATIONS FOR A MANDATORY MENTAL HEALTH TRAINING PROGRAM FOR LAW ENFORCEMENT CERTIFICATION; TO AMEND SECTION 23-23-55 OF THE 1976 CODE, RELATING TO CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS, TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 44-61-80 OF THE 1976

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CODE, RELATING TO THE EMERGENCY MEDICAL TECHNICIAN CERTIFICATE AND RELATED EDUCATIONAL STANDARDS AND TRAINING, TO REQUIRE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DEVELOP MINIMUM STANDARDS AND PROMULGATE REGULATIONS FOR A MANDATORY MENTAL HEALTH TRAINING PROGRAM FOR EMERGENCY MEDICAL TECHNICIAN CERTIFICATION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 897 -- Senator Turner: A BILL TO AMEND SECTION 12-6-510 OF THE 1976 CODE, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, TO PROVIDE THAT INDIVIDUALS UNDER THE AGE OF THIRTY ARE EXEMPT FROM INDIVIDUAL INCOME TAXATION.

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Prefiled and referred to the Committee on Finance.

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

S. 898 -- Senator Turner: A BILL TO AMEND CHAPTER 36, TITLE 58 OF THE 1976 CODE, RELATING TO THE UNDERGROUND FACILITY DAMAGE PREVENTION ACT, BY ADDING SECTION 58-36-95, TO REQUIRE THAT ANY DAMAGES TO AN UNDERGROUND FACILITY RESULTING FROM EXCAVATION OR DEMOLITION BE ASSESSED BY AN INDEPENDENT, THIRD-PARTY INVESTIGATOR, TO PROVIDE A PROCESS FOR THE ASSESSMENT, AND TO PROVIDE REPORTING REQUIREMENTS; TO AMEND SECTION 58-36-50 OF THE 1976 CODE, RELATING TO THE OPERATORS ASSOCIATION NOTIFICATION CENTER AND DAMAGE PREVENTION TRAINING PROGRAM, TO REQUIRE THAT THREE MEMBERS OF THE BOARD OF DIRECTORS BE CONTRACTORS OR SUBCONTRACTORS LICENSED IN SOUTH CAROLINA THAT REGULARLY PROVIDE EXCAVATION OR DEMOLITION SERVICES AND DO NOT OWN OR OPERATE FACILITIES, TO REQUIRE THAT THE NOTIFICATION CENTER MAINTAIN A LIST OF QUALIFIED INVESTIGATORS AND ESTABLISH A MANDATORY TRAINING PROGRAM FOR INVESTIGATORS, AND TO DELETE OBSOLETE PROVISIONS; TO AMEND

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SECTION 58-36-80 OF THE 1976 CODE, RELATING TO EMERGENCY EXCAVATIONS OR DEMOLITIONS EXEMPT FROM THE NOTICE REQUIREMENT, TO PROVIDE THAT AN INVESTIGATOR SHALL ASSESS DAMAGES RESULTING FROM EMERGENCY EXCAVATIONS OR DEMOLITIONS; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 899 -- Senator Campbell: A BILL TO AMEND TITLE 27 OF THE 1976 CODE, RELATING TO PROPERTY AND CONVEYANCES, BY ADDING CHAPTER 51, TO PROVIDE SPECIFIC DISCLOSURE REQUIREMENTS FOR WELLS UPON THE SALE OF RESIDENTIAL AND COMMERCIAL PROPERTY AND TO PROVIDE RELATED PENALTIES FOR THE FAILURE TO DISCLOSE CERTAIN INFORMATION; AND TO AMEND SECTION 27-50-40 OF THE 1976 CODE, RELATING TO DISCLOSURE STATEMENTS, TO MAKE CONFORMING CHANGES.

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Prefiled and referred to the Committee on Judiciary.

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

S. 900 -- Senator Campbell: A BILL TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING ARTICLE 3, TO PROVIDE THAT TETHERING A DOG IS UNLAWFUL UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE THAT A PERSON WHO UNLAWFULLY TETHERS A DOG IS GUILTY OF A MISDEMEANOR; AND TO AMEND SECTION 56-7-10(A) OF THE 1976 CODE, RELATING TO THE UNIFORM TRAFFIC TICKET, BY ADDING THE OFFENSE OF THE UNLAWFUL TETHERING OF A DOG.

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Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

TUESDAY, JANUARY 14, 2020

S. 901 -- Senators Davis, Senn, Sheheen, Malloy, Hutto, Setzler, Shealy and Nicholson: A JOINT RESOLUTION TO RATIFY A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA PROVIDING THAT EQUALITY OF RIGHTS UNDER THE LAW MUST NOT BE DENIED OR ABRIDGED ON ACCOUNT OF SEX.

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Prefiled and referred to the Committee on Judiciary.

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

S. 902 -- Senator Davis: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 1 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS AFFECTING THE GOVERNOR, BY ADDING SECTION 1-3-15, TO PROVIDE THAT THE GOVERNOR MAY RECOMMEND THE REMOVAL OR AMENDMENT OF BURDENSOME STATUTES AND REGULATIONS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 903 -- Senators Davis and Young: A BILL TO ENACT THE "MAGISTRATE REFORM ACT OF 2020"; TO AMEND SECTION 22-1-10 OF THE 1976 CODE, RELATING TO THE APPOINTMENT, TERM AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS OF MAGISTRATES, TO PROVIDE THAT MAGISTRATES APPOINTED BY THE GOVERNOR MUST BE CONFIRMED BY A WEIGHTED MAJORITY OF SENATORS AND A WEIGHTED MAJORITY OF MEMBERS OF THE HOUSE OF REPRESENTATIVES THAT COMPRISE THE LEGISLATIVE DELEGATION IN THE COUNTY FOR WHICH THE MAGISTRATE WAS APPOINTED, TO PROVIDE THAT AN IMMEDIATE FAMILY MEMBER OF A MEMBER OF THE GENERAL ASSEMBLY OR AN IMMEDIATE FAMILY MEMBER OF A FORMER MEMBER OF THE GENERAL ASSEMBLY WHO CEASED TO BE A MEMBER OF THE GENERAL ASSEMBLY WITHIN TWO YEARS OF THE PERSON'S APPOINTMENT TO THE OFFICE OF MAGISTRATE IS NOT ELIGIBLE FOR APPOINTMENT AS A MAGISTRATE, TO PROVIDE THAT A MEMBER OF THE GENERAL ASSEMBLY MAY NOT BE APPOINTED TO THE OFFICE OF MAGISTRATE WHILE HE IS SERVING IN THE GENERAL ASSEMBLY OR FOR

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A PERIOD OF TWO YEARS AFTER HE CEASES TO BE A MEMBER OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT A MAGISTRATE MAY NOT SERVE IN A HOLDOVER CAPACITY FOR MORE THAN NINETY DAYS AFTER THE EXPIRATION OF HIS TERM OF OFFICE; AND TO AMEND SECTION 22-3-1000(A) OF THE 1976 CODE, RELATING TO THE TIME FOR MOTIONS FOR A NEW TRIAL OR AN APPEAL, TO PROVIDE THAT A NEW TRIAL FOR A CRIMINAL DEFENDANT SENTENCED TO A TERM OF IMPRISONMENT BY A NON-LAWYER MAGISTRATE SHALL BE CONDUCTED BY A MAGISTRATE WHO IS LICENSED TO PRACTICE LAW IN THIS STATE, AND TO PROVIDE THAT APPEALS BY A CRIMINAL DEFENDANT SENTENCED TO A TERM OF IMPRISONMENT BY A NON-LAWYER MAGISTRATE SHALL BE HEARD DE NOVO.

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Prefiled and referred to the Committee on Judiciary.

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

S. 904 -- Senator Young: A BILL TO AMEND CHAPTER 1, TITLE 58 OF THE 1976 CODE, RELATING TO PUBLIC UTILITIES, SERVICES, AND CARRIERS, BY ADDING SECTION 58-1-70, TO PROHIBIT NATURAL GAS AND ELECTRIC PUBLIC UTILITIES FROM DISCLOSING CUSTOMER INFORMATION TO A THIRD PARTY WITHOUT THE EXPRESS CONSENT OF THE CUSTOMER.

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Prefiled and referred to the Committee on Judiciary.

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

S. 905 -- Senator Young: A BILL TO AMEND SECTION 22-1-10(A) OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF MAGISTRATES, TO PROVIDE THAT A MAGISTRATE MAY SERVE IN HOLDOVER STATUS FOR NO MORE THAN FOURTEEN DAYS AT THE END OF HIS TERM, TO PROVIDE THAT THE GOVERNOR MAY APPOINT A TEMPORARY MAGISTRATE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT ANY MAGISTRATE OR MAGISTRATE CANDIDATE WHO HAS BEEN REPRIMANDED BY THE SUPREME COURT OR ANY OTHER DISCIPLINARY AUTHORITY MAY NOT BE APPOINTED OR REAPPOINTED UNLESS APPROVED BY A MAJORITY OF THE SENATE AFTER THE

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SENATE IS INFORMED OF THE REPRIMAND OR DISCIPLINARY ACTION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 906 -- Senator Young: A BILL TO AMEND SECTION 56-5-3435 OF THE 1976 CODE, RELATING TO MAINTAINING A SAFE OPERATING DISTANCE BETWEEN A MOTOR VEHICLE AND A BICYCLE, TO DEFINE "SAFE OPERATING DISTANCE".

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Prefiled and referred to the Committee on Transportation.

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

S. 907 -- Senator Young: A BILL TO AMEND SECTION 58-5-410 OF THE 1976 CODE, RELATING TO ELECTION TO COME UNDER THE NATURAL GAS RATE STABILIZATION ACT, TO REMOVE THE PROVISION THAT THE ELECTION SHALL REMAIN IN EFFECT UNTIL THE NEXT GENERAL RATE PROCEEDING; TO AMEND SECTION 58-5-415 OF THE 1976 CODE, RELATING TO THE DURATION OF THE ELECTION AND THE WITHDRAWAL OF A REQUEST TO COME UNDER THE NATURAL GAS RATE STABILIZATION ACT, TO PROVIDE THAT ELECTION BY A UTILITY UNDER THE NATURAL GAS RATE STABILIZATION ACT SHALL REMAIN IN EFFECT FOR FIVE YEARS AND THAT THE UTILITY MAY OPT OUT; TO AMEND SECTION 58-5-420(2) OF THE 1976 CODE, RELATING TO THE CONTENTS OF AN ORDER, TO REMOVE CERTAIN REQUIREMENTS FOR FIGURES; TO AMEND SECTION 58-5-450 OF THE 1976 CODE, RELATING TO THE REVIEW OF REPORTS AND PROPOSED TARIFF RATE ADJUSTMENTS, TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF SHALL PROPOSE CHANGES TO RATE DESIGN; TO AMEND SECTION 58-5-470 OF THE 1976 CODE, RELATING TO THE REVIEW OF INITIAL ORDERS, SCOPE, AND RULE TO SHOW CAUSE FOR WHY A FULL RATE PROCEEDING SHOULD NOT BE INITIATED, TO PROVIDE THAT THE RIGHT OF REGULATORY STAFF TO FILE CERTAIN ACTIONS IS NOT LIMITED; AND TO AMEND ARTICLE 4, CHAPTER 5, TITLE 58 OF THE 1976 CODE, RELATING TO THE NATURAL GAS RATE

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STABILIZATION ACT, BY ADDING SECTION 58-5-416, TO PROVIDE A LIMITATION ON THE DURATION OF ELECTION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 908 -- Senator Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-1-315 SO AS TO PROVIDE THAT ANY PERSON MAY ENTER AND REMOVE A MINOR OR AN ANIMAL FROM A MOTOR VEHICLE IF THE MINOR OR ANIMAL IS EXPERIENCING A LIFE THREATENING OR EXTREME HEALTH THREATENING SITUATION, AND TO PROVIDE THAT A PERSON WHO REMOVES A MINOR OR AN ANIMAL PURSUANT TO THIS SECTION IS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY.

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Prefiled and referred to the Committee on Judiciary.

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

S. 909 -- Senators Gambrell and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; TO AMEND SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; TO AMEND SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN

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NOTICE OF HOW THE AGREEMENT AFFECTS THEM; TO AMEND SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; AND TO AMEND SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE.

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Prefiled and referred to the Committee on Labor, Commerce and Industry.

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

S. 910 -- Senator Johnson: A BILL TO AMEND SECTION 12-37-250(A)(1) OF THE 1976 CODE, RELATING TO THE HOMESTEAD PROPERTY TAX EXEMPTION ALLOWED FOR TAXPAYERS WHO ARE OVER THE AGE OF SIXTY-FIVE YEARS, DISABLED, OR LEGALLY BLIND, TO INCREASE THE EXEMPTION AMOUNT FROM THE FIRST FIFTY THOUSAND DOLLARS TO THE FIRST SEVENTY-FIVE THOUSAND DOLLARS OF THE FAIR MARKET VALUE OF THE HOMESTEAD; AND TO REPEAL SECTION 12-37-245 OF THE 1976 CODE, RELATING TO AN OBSOLETE REFERENCE TO THE HOMESTEAD EXEMPTION.

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Prefiled and referred to the Committee on Finance.

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

S. 911 -- Senator Bennett: A BILL TO AMEND SECTION 47-1-125 OF THE 1976 CODE, RELATING TO THE PROHIBITION ON COLORING OR DYEING ANIMALS, TO EXEMPT DOGS OVER

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THE AGE OF FIVE MONTHS AND TO REQUIRE CERTAIN PROVISIONS FOR THIS EXEMPTION.

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Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 912 -- Senator Corbin: A BILL TO AMEND SECTION 56-10-225 OF THE 1976 CODE, RELATING TO THE OWNER OF A MOTOR VEHICLE MAINTAINING PROOF OF INSURANCE IN HIS VEHICLE AT ALL TIMES, TO PROVIDE THAT AN OWNER WHO FAILS TO MAINTAIN PROOF OF INSURANCE IN HIS VEHICLE IS SUBJECT TO HAVING HIS VEHICLE IMPOUNDED AND DISPOSED OF AS ABANDONED PROPERTY, AND TO PROVIDE A PENALTY.

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Prefiled and referred to the Committee on Judiciary.

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

S. 913 -- Senator Corbin: A BILL TO AMEND CHAPTER 1, TITLE 22 OF THE 1976 CODE, RELATING TO MAGISTRATES, BY ADDING SECTION 22-1-45, TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR A CURRENT MEMBER OF THE SENATE TO APPEAR AS ATTORNEY AT LAW IN A MAGISTRATES COURT LOCATED IN A COUNTY REPRESENTED BY THE SENATOR.

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Prefiled and referred to the Committee on Judiciary.

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

S. 914 -- Senator Hembree: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS AND DEMAND THAT THEY TAKE IMMEDIATE ACTION AND ALL ADDITIONAL STEPS TO REQUIRE TELECOM COMPANIES TO LAUNCH AND ACTIVELY PURSUE TECHNOLOGY THAT RIDES OUR CITIZENS OF ILLEGAL ROBOCALLS AND SPOOFING.

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Prefiled and referred to the Committee on Judiciary.

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

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S. 915 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-48 SO AS TO PROVIDE DEFINITIONS, TO REQUIRE ALL HEALTH INSURANCE AND GROUP HEALTH BENEFIT PLANS TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS FOR INSURED WITH IMPAIRED HEARING, AND TO PROVIDE FOR THE SCOPE OF COVERAGE, AMONG OTHER THINGS.

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Prefiled and referred to the Committee on Banking and Insurance.

Read the first time and referred to the Committee on Banking and Insurance.

S. 916 -- Senator Hembree: A BILL TO AMEND CHAPTER 6, ARTICLE 13, TITLE 61 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-4725, RELATING TO THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO PERMIT CONDITIONAL DISCHARGE OF FIRST-TIME OFFENDERS UNDER SECTION 61-6-4720 AND TO PERMIT COUNTY AND MUNICIPAL PROSECUTORS TO CONDITIONALLY DISCHARGE FIRST TIME OFFENDERS OF COUNTY OR MUNICIPAL OPEN CONTAINER OFFENSES AND TO PERMIT EXPUNGEMENT OF SUCH OFFENSES.

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Prefiled and referred to the Committee on Judiciary.

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

S. 917 -- Senator Hembree: A BILL TO AMEND SECTION 17-22-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELIGIBLE OFFENSES FOR ADMISSION INTO A PRE-TRIAL INTERVENTION PROGRAM, TO ALLOW A DEFENDANT TO BE ADMITTED FOR A PRE-TRIAL INTERVENTION PROGRAM IF HE IS CHARGED WITH THE OFFENSE OF DRIVING UNDER THE INFLUENCE OR DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION.

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Prefiled and referred to the Committee on Judiciary.

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

TUESDAY, JANUARY 14, 2020

S. 918 -- Senators M. B. Matthews, McLeod, Shealy and Senn: A JOINT RESOLUTION TO RATIFY A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA PROVIDING THAT EQUALITY OF RIGHTS UNDER THE LAW MUST NOT BE DENIED OR ABRIDGED ON ACCOUNT OF SEX.

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Prefiled and referred to the Committee on Judiciary.

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

S. 919 -- Senator M. B. Matthews: A BILL TO AMEND SECTION 7-7-110 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, TO ADD THE NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 920 -- Senator M. B. Matthews: A BILL TO AMEND SECTION 7-7-330 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, TO ADD TWO PRECINCTS AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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Prefiled and referred to the Committee on Judiciary.

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

S. 921 -- Senator McElveen: A BILL TO AMEND SECTION 9-8-40 OF THE 1976 CODE, RELATING TO MEMBERSHIP IN THE RETIREMENT SYSTEM, TO PROVIDE THAT JUDGES, SOLICITORS, AND CIRCUIT PUBLIC DEFENDERS BECOME MEMBERS OF THE SYSTEM UPON TAKING OFFICE BEFORE ATTAINING AGE SEVENTY-SEVEN; TO AMEND SECTION 9-8-60 OF THE 1976 CODE, RELATING TO RETIREMENT ALLOWANCES AND RELATED PROVISIONS, TO PROVIDE

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THAT A MEMBER MAY RETIRE UPON WRITTEN APPLICATION TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY NO LATER THAN THE END OF THE CALENDAR YEAR IN WHICH HE ATTAINS AGE SEVENTY-SEVEN; TO AMEND SECTION 9-8-260(A) AND (B) OF THE 1976 CODE, RELATING TO COMPLIANCE WITH SECTION 401(a)(9) OF THE INTERNAL REVENUE CODE, TO PROVIDE THAT THE TERM "REQUIRED BEGINNING DATE" MEANS APRIL FIRST OF THE CALENDAR YEAR AFTER A MEMBER ATTAINS SEVENTY-FIVE AND ONE-HALF YEARS OF AGE OR THE CALENDAR YEAR IN WHICH THE MEMBER RETIRES, WHICHEVER IS LATER, AND TO PROVIDE THAT PAYMENT OF RETIREMENT BENEFITS SHALL COMMENCE ON THE EFFECTIVE DATE OF RETIREMENT FOR A MEMBER WHO IS ELIGIBLE TO RECEIVE RETIREMENT BENEFITS, HAS NOT APPLIED FOR SUCH BENEFITS, AND CONTINUES MEMBERSHIP AFTER ATTAINING SEVENTY-FIVE AND ONE-HALF YEARS OF AGE; TO AMEND SECTION 22-1-25 OF THE 1976 CODE, RELATING TO THE MANDATORY RETIREMENT AGE OF A MAGISTRATE, TO INCREASE THE MANDATORY AGE OF RETIREMENT FROM SEVENTY-TWO TO SEVENTY-SEVEN YEARS OF AGE; TO AMEND ARTICLE 9, CHAPTER 23, TITLE 14 OF THE 1976 CODE, RELATING TO THE ESTABLISHMENT, JURISDICTION, AND OPERATION OF PROBATE COURTS, BY ADDING SECTION 14-23-1045, TO PROVIDE THAT IT SHALL BE MANDATORY FOR A JUDGE OF PROBATE OR ASSOCIATE JUDGE OF PROBATE TO RETIRE NO LATER THAN THE END OF THE FISCAL YEAR IN WHICH HE REACHES HIS SEVENTY-SEVENTH BIRTHDAY; AND TO AMEND ARTICLE 1, CHAPTER 25, TITLE 14 OF THE 1976 CODE, RELATING TO MUNICIPAL COURTS, BY ADDING SECTION 14-25-30, TO PROVIDE THAT IT SHALL BE MANDATORY FOR A MUNICIPAL COURT JUDGE TO RETIRE NO LATER THAN THE END OF THE FISCAL YEAR IN WHICH HE REACHES HIS SEVENTY-SEVENTH BIRTHDAY.

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Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 14, 2020

S. 922 -- Senator Climer: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060, SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

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Prefiled and referred to the Committee on Judiciary.

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

S. 923 -- Senator Climer: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-5-760, SO AS TO PROVIDE THAT A WATER OR SEWER UTILITY, CLASSIFIED BY THE NATIONAL ASSOCIATION OF REGULATORY COMMISSIONERS AS CLASS A, MUST SUBMIT AN INTEGRATED RESOURCE PLAN TO THE PUBLIC SERVICE COMMISSION, AND TO PROVIDE FOR THE MANDATORY CONTENTS OF THE INTEGRATED RESOURCE PLANS AND CERTAIN REPORTING REQUIREMENTS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 924 -- Senator Climer: A BILL TO AMEND SECTION 58-5-710 OF THE 1976 SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A WATER OR SEWER UTILITY SYSTEM THAT FAILED TO PROVIDE SERVICE BECAUSE OF FAILURE TO PLAN FOR REASONABLY FORESEEABLE CIRCUMSTANCES WOULD NOT RECEIVE A RATE OF RETURN FOR THE PERIOD IN WHICH THE UTILITY DID NOT PROVIDE SERVICE, TO PROVIDE THAT THE PUBLIC SERVICE COMMISSION MAY REVIEW AND MODIFY THE UTILITY'S RATE OF RETURN UPON A FINDING OF EGREGIOUS CIRCUMSTANCES BY THE UTILITY FOR FAILURE TO PROVIDE SERVICES, AND TO PROVIDE THAT THE COMMISSION MUST CONSIDER A UTILITY'S HISTORY OF FAILURE TO PROVIDE SERVICE IN

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DETERMINING THE UTILITY'S RATE OF RETURN IN A PROCEEDING PURSUANT TO SECTION 58-5-240.

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Prefiled and referred to the Committee on Judiciary.

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

S. 925 -- Senator Climer: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 3, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION OF MEMBERS OF THE SUPREME COURT, SECTION 8, ARTICLE V, RELATING TO THE ELECTION OF MEMBERS OF THE COURT OF APPEALS, SECTION 13, ARTICLE V, RELATING TO JUDICIAL CIRCUITS AND CIRCUIT JUDGES, SECTION 18, ARTICLE V, RELATING TO VACANCIES IN THESE JUDICIAL OFFICES, AND SECTION 27, ARTICLE V, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, TO PROVIDE THAT MEMBERS OF THE SUPREME COURT, MEMBERS OF THE COURT OF APPEALS, AND CIRCUIT JUDGES SHALL BE APPOINTED BY THE GOVERNOR, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

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Prefiled and referred to the Committee on Judiciary.

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

S. 926 -- Senator Climer: A BILL TO AMEND SECTION 59-63-100 OF THE 1976 CODE, RELATING TO INTERSCHOLASTIC SCHOOL ACTIVITIES, TO ALLOW PRIVATE SCHOOL STUDENTS TO PARTICIPATE IN PUBLIC SCHOOL INTERSCHOLASTIC ACTIVITIES, TO CLARIFY REQUIREMENTS APPLICABLE TO CHARTER SCHOOL STUDENTS, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 59-40-50(C)(3)(d) OF THE 1976 CODE, RELATING TO CHARTER SCHOOL STUDENTS, TO CLARIFY REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES AND TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Education.

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

TUESDAY, JANUARY 14, 2020

S. 927 -- Senator McLeod: A BILL TO AMEND SECTION 63-19-2040 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE RELEASE OF THE NAME, IDENTITY, OR PICTURE OF A CHILD UNDER THE JURISDICTION OF THE FAMILY COURT, TO PERMIT THE RELEASE OF THE IDENTITY OF A CHILD UNDER THE JURISDICTION OF THE COURT TO A NEWSPAPER, RADIO, OR TELEVISION STATION IF THE CHILD IS ALLEGED TO HAVE COMMUNICATED A THREAT OF MASS VIOLENCE BY MEANS OF A VIDEO, AUDIO, OR INTERNET BASED SOCIAL MEDIA COMMUNICATION TO TWO OR MORE PERSONS AND THE CHILD HAS PERSONALLY IDENTIFIED HIMSELF IN THE COMMUNICATION.

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Prefiled and referred to the Committee on Judiciary.

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

S. 928 -- Senator McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRO BIRTH ACCOUNTABILITY ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE COMPENSATION OF CERTAIN WOMEN GIVING BIRTH TO A CHILD WHO BUT FOR A FETAL HEARTBEAT LAW COULD CHOOSE TO TERMINATE THE PREGNANCY, AND FOR OTHER PURPOSES.

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Prefiled and referred to the Committee on Medical Affairs.

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

S. 929 -- Senator McLeod: A JOINT RESOLUTION TO CREDIT ANY RECOVERY IN ANY OPIOID LITIGATION, TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO BE USED TO TREAT AND PREVENT OPIOID AND OTHER SUBSTANCE ABUSE, TO PROVIDE TRAINING AND METHODS TO FIRST RESPONDERS TO CONTEND WITH OPIOID AND OTHER SUBSTANCE ABUSE, AND TO RESEARCH THE AFFECTS OF MEDICAL MARIJUANA ON OPIOID ADDICTION AND RECOVERY.

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Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 14, 2020

S. 930 -- Senator McLeod: A BILL TO AMEND SECTION 59-26-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCREASE IN PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, SO AS TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION BEFORE JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR TWO TEN-YEAR RENEWALS, AND TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION AFTER JUNE 30, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION AND NO MORE THAN ONE TEN YEAR RENEWAL.

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Prefiled and referred to the Committee on Education.

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

S. 931 -- Senator McLeod: A BILL TO AMEND SECTION 2-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY SINE DIE ADJOURNMENT DATE OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE AND ACCOUNT FOR A BIENNIAL STATE GENERAL APPROPRIATIONS ACT; AND TO AMEND SECTION 2-7-60, RELATING TO THE ANNUAL GENERAL APPROPRIATIONS ACT, SO AS TO PROVIDE THAT BEGINNING WITH ITS 2021 SESSION FOR THE ENSUING TWO FISCAL YEARS, THE GENERAL ASSEMBLY SHALL ENACT A BIENNIAL STATE GENERAL APPROPRIATIONS ACT.

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Prefiled and referred to the Committee on Judiciary.

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

S. 932 -- Senator McLeod: A BILL TO AMEND SECTION 8-13-320 OF THE 1976 CODE OF LAWS TO REQUIRE THE STATE ETHICS COMMISSION TO POST A MANUAL REGARDING RECOMMENDED UNIFORM METHODS OF REPORTING ON THE STATE ETHICS COMMISSION'S WEBSITE, AND TO ESTABLISH A POLICY TO ADMINISTRATIVELY CLOSE A CASE FOR FAILURE TO TIMELY FILE A REPORT OR STATEMENT, AND TO PROVIDE MANDATORY ANNUAL DISTANCE LEARNING COURSES; TO AMEND SECTION 8-13-530 TO REQUIRE EACH LEGISLATIVE ETHICS COMMITTEE TO POST A MANUAL REGARDING RECOMMENDED UNIFORM METHODS OF

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REPORTING ON THE STATE ETHICS COMMISSION'S WEBSITE, AND TO ESTABLISH A POLICY TO ADMINISTRATIVELY CLOSE A CASE FOR FAILURE TO TIMELY FILE A REPORT OR STATEMENT, AND TO PROVIDE MANDATORY ANNUAL DISTANCE LEARNING COURSES; TO ADD SECTION 8-13-1363 TO THE 1976 CODE OF LAWS TO PROVIDE THAT A CANDIDATE OR COMMITTEE MUST CONTINUE TO FILE A CAMPAIGN STATEMENT OR STATEMENT OF INACTIVITY UNTIL ALL DEBTS ARE RESOLVED AND FUNDS HAVE BEEN DISBURSED; TO AMEND SECTION 8-13-1368 TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 8-13-1510 TO PROVIDE THE MAXIMUM CIVIL PENALTY OF FIVE THOUSAND DOLLARS PER ELECTION CYCLE FOR A STATEMENT OR REPORT REQUIRED BY ARTICLE 13 OF CHAPTER 13, TITLE 8.

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Prefiled and referred to the Committee on Judiciary.

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

S. 933 -- Senator McLeod: A BILL TO AMEND SECTION 59-24-60 OF THE 1976 CODE, RELATING TO SCHOOL ADMINISTRATORS, TO REQUIRE THAT SCHOOL ADMINISTRATORS MUST MAKE A REASONABLE EFFORT TO CONTACT ALL PARENTS OF STUDENTS WITHIN A REASONABLE TIME PERIOD BUT NOT LATER THAN TWENTY-FOUR HOURS UPON RECEIVING CREDIBLE INFORMATION THAT A PERSON HAS MADE A THREAT OF SERIOUS INJURY TO A PERSON OR PERSONS ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY, OR IF THE THREAT IS TO SERIOUSLY DAMAGE OR DESTROY SCHOOL PROPERTY.

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Prefiled and referred to the Committee on Education.

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

S. 934 -- Senators McLeod and Malloy: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 16 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULTS, TO ENACT THE "HATE CRIME PREVENTION ACT OF 2020" BY ADDING SECTION 16-3-605 TO PROVIDE THAT IS UNLAWFUL TO WILLFULLY CAUSE BODILY INJURY OR DEATH TO A PERSON OR ATTEMPT OR THREATEN TO CAUSE BODILY INJURY OR

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DEATH THROUGH THE USE OF A FIRE, A FIREARM, A DANGEROUS WEAPON, OR A DESTRUCTIVE DEVICE, BECAUSE OF THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, SEXUAL ORIENTATION, OR NATIONAL ORIGIN OF ANY PERSON AND TO PROVIDE PENALTIES AND DEFINITIONS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 935 -- Senators Kimpson and McLeod: A BILL TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 157, TO PROVIDE THAT A STUDENT ATHLETE MAY RECEIVE COMPENSATION FOR THE USE OF HIS NAME, IMAGE, OR LIKENESS AND TO PROVIDE FOR LIMITATIONS AND DISCLOSURE REQUIREMENTS; TO AMEND CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO COLLEGES AND INSTITUTIONS OF HIGHER LEARNING GENERALLY, BY ADDING ARTICLE 9, TO PROVIDE THAT PARTICIPATING INSTITUTIONS IN THIS STATE SHALL ANNUALLY AWARD STIPENDS TO A STUDENT ATHLETE WHO PARTICIPATES IN AN INTERCOLLEGIATE SPORT AND MAINTAINS A GOOD ACADEMIC STANDING DURING THE PREVIOUS YEAR AND TO PROVIDE CONDITIONS FOR THE RECEIPT OF STIPENDS; TO AMEND CHAPTER 101, TITLE 59, RELATING TO COLLEGES AND INSTITUTIONS OF HIGHER LEARNING GENERALLY, BY ADDING ARTICLE 10, TO PROVIDE THAT PARTICIPATING INSTITUTIONS IN THIS STATE SHALL CREATE A STUDENT ATHLETE TRUST FUND AND FUND THE TRUST WITH A PERCENTAGE OF THE INTERCOLLEGIATE SPORT GROSS REVENUE, TO PROVIDE THAT FIVE THOUSAND DOLLARS WILL BE DEPOSITED INTO THE FUND ON A STUDENT ATHLETE'S BEHALF FOR EACH YEAR THAT HE MAINTAINS GOOD ACADEMIC STANDING, TO PROVIDE THAT THE TOTAL TRUST FUND AMOUNT MAY NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS PER STUDENT ATHLETE, TO PROVIDE THAT A PARTICIPATING INSTITUTION SHALL PROVIDE A ONE-TIME PAYMENT TO EACH STUDENT ATHLETE IN THE FULL AMOUNT DEPOSITED IN THE FUND ON HIS BEHALF AFTER THE FULFILLMENT OF ALL ACADEMIC REQUIREMENTS FOR GRADUATION AND COMPLETION OF A

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STATE-APPROVED FINANCIAL LITERACY COURSE, AND TO PROVIDE CONDITIONS FOR A RECEIPT OF TRUST FUND PAYMENT; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Education.

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

S. 936 -- Senator Kimpson: A BILL TO ENACT THE SOUTH CAROLINA HARM REDUCTION ACT; TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 139, TO CREATE A SYRINGE SERVICE PROGRAM; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Medical Affairs.

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

S. 937 -- Senator Fanning: A BILL TO AMEND SECTION 59-101-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF STUDENT GOVERNMENT PRESIDENTS OF INSTITUTIONS OF HIGHER LEARNING TO SERVE AS EX OFFICIO TRUSTEES OF THEIR INSTITUTIONS, SO AS TO MAKE SUCH SERVICE MANDATORY, TO PROVIDE SUCH BOARD MEMBERS ARE VOTING MEMBERS, TO PROVIDE SUCH BOARD MEMBERS ARE NOT ENTITLED TO RECEIVE SUBSISTENCE ALLOWANCES AND THE LIKE, AND TO EXEMPT TECHNICAL COLLEGES; TO AMEND SECTIONS 59-117-10, 59-117-20, 59-119-40, 59-121-10, 59-121-20, 59-123-40, 59-123-50, 59-125-20, 59-125-30, 59-127-20, 59-130-10, 59-133-10, 59-135-10, AND 59-136-110, ALL RELATING TO THE BOARDS OF TRUSTEES OF CERTAIN FOUR-YEAR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, ALL SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 7-5-120, RELATING TO QUALIFICATIONS OF AN ELECTOR, SO AS TO PROVIDE A STUDENT WHO RESIDES FOR ONE SEMESTER IN THE COMMUNITY IN WHICH HE ATTENDS COLLEGE MUST BE CONSIDERED QUALIFIED TO BE AN ELECTOR AND MAY REGISTER TO VOTE IF HE MEETS CERTAIN EXISTING

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REQUIREMENTS; AND TO MAKE THE PROVISIONS EFFECTIVE JULY 1, 2020.

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Prefiled and referred to the Committee on Education.

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

S. 938 -- Senator Rice: A BILL TO AMEND SECTION 17-15-30 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE BAIL AND RECOGNIZANCES, TO REQUIRE THE COURT TO SET A CASH OR SURETY BOND FOR ANY PERSON CHARGED WITH AN OFFENSE WHO THE COURT FINDS IS AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES; AND TO AMEND SECTION 17-15-260 RELATING TO THE DISTRIBUTION OF FORFEITED BONDS TO REQUIRE IN ANY SUCH CASE WHERE THE BOND IS ORDERED FORFEITED THAT TWENTY-FIVE PERCENT OF THE FORFEITED FUNDS BE DISTRIBUTED TO THE ARRESTING LAW ENFORCEMENT AGENCY.

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Prefiled and referred to the Committee on Judiciary.

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

S. 939 -- Senator Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR TAX CREDITS FOR CERTAIN TAXPAYERS THAT MAKE A QUALIFYING CAPITAL INVESTMENT IN THIS STATE, TO SET FORTH THE AMOUNT OF THE CREDITS AND THE MANNER IN WHICH THE CREDITS ARE CALCULATED, AND TO PROVIDE THE CREDIT ONLY MAY BE TAKEN IF CERTAIN OTHER CREDITS ARE NOT TAKEN.

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Prefiled and referred to the Committee on Finance.

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

S. 940 -- Senator Rice: A CONCURRENT RESOLUTION TO CALL UPON THE NATIONAL CONFERENCE OF STATE LEGISLATURES, THE COUNCIL OF STATE GOVERNMENTS, AND THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL TO COORDINATE IN THE CREATION OF A NATIONAL FEDERALISM TASK FORCE FOR THE PURPOSE OF CONVENING A SERIES OF FEDERALISM SUMMITS FOCUSED

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ON RESTORING AND MAINTAINING CLEARLY DISCERNIBLE DIVISIONS IN THE ROLES AND RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AND THE STATES.

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Prefiled and referred to the Committee on Judiciary.

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

S. 941 -- Senators Senn and Campsen: A BILL TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE, RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48-1-92, TO PROVIDE FOR THE REGULATION OF PRE-PRODUCTION PLASTICS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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Prefiled and referred to the Committee on Agriculture and Natural Resources.

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

S. 942 -- Senator Senn: A BILL TO AMEND SECTION 16-17-425 OF THE 1976 CODE, RELATING TO THE COMMUNICATION OF THREATS BY A STUDENT OF A SCHOOL OR COLLEGE, TO PROVIDE PENALTIES FOR A PERSON WHO MAKES THREATS TO TAKE THE LIFE OF OR INFLICT BODILY HARM UPON ANOTHER AT A SCHOOL OR COLLEGE IN THIS STATE.

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Prefiled and referred to the Committee on Judiciary.

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

S. 943 -- Senators Senn, Shealy, M. B. Matthews and McLeod: A BILL TO ENACT THE "FEMALE HEALTH AND WELLNESS ACT", TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 139, TO PROVIDE THAT THE SALE OF FEMININE HYGIENE PRODUCTS IS EXEMPT FROM SALES TAXES; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 14, 2020

S. 944 -- Senators Cash and Climer: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE QUALIFICATIONS OF MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT TERM LIMITATIONS FOR ITS MEMBERS BY LAW.

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Prefiled and referred to the Committee on Judiciary.

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

S. 945 -- Senator Cash: A BILL TO AMEND CHAPTER 1, TITLE 2 OF THE 1976 CODE, RELATING TO THE GENERAL ASSEMBLY, BY ADDING SECTION 2-1-60, TO PROVIDE THAT NO PERSON SHALL BE ELIGIBLE FOR ELECTION TO THE HOUSE OF REPRESENTATIVES IF THAT PERSON HAS SERVED SIX TERMS IN THE SAME BODY, THAT NO PERSON SHALL BE ELIGIBLE FOR ELECTION TO THE SENATE IF THAT PERSON HAS SERVED THREE TERMS IN THE SAME BODY, AND TO PROVIDE THAT ANY TERM SERVED FOR WHICH THE ELECTION WAS HELD PRIOR TO JANUARY 1, 2020, SHALL NOT BE COUNTED AS A TERM SERVED.

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Prefiled and referred to the Committee on Judiciary.

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

S. 946 -- Senator Cash: A BILL TO AMEND SECTION 59-19-90(5) OF THE 1976 CODE, RELATING TO THE GENERAL POWERS AND DUTIES OF SCHOOL TRUSTEES, TO PROVIDE THAT A BOARD OF TRUSTEES HAS THE POWER TO OBTAIN A PROPRIETARY SECURITY BUSINESS LICENSE; TO AMEND SECTION 40-18-60(A) OF THE 1976 CODE, RELATING TO PROPRIETARY SECURITY BUSINESS LICENSES, APPLICATIONS, AND RELATED PROVISIONS, TO PROVIDE THAT A MEMBER OF A SCHOOL DISTRICT'S BOARD OF TRUSTEES MUST BE THE APPLICANT IF A SCHOOL DISTRICT APPLIES FOR A LICENSE; TO AMEND SECTION 40-18-140 OF THE 1976 CODE, RELATING TO EXCEPTIONS FROM THE APPLICATION OF PROVISIONS RELATED TO PRIVATE SECURITY AND INVESTIGATION AGENCIES, TO PROVIDE

TUESDAY, JANUARY 14, 2020

THAT A SCHOOL DISTRICT IS NOT EXCLUDED FROM SUCH APPLICATION.

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Prefiled and referred to the Committee on Education.

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

S. 947 -- Senator Harpootlian: A BILL TO AMEND SECTION 58-3-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF A FORMER PUBLIC SERVICE COMMISSIONER FROM BEING EMPLOYED OR RETAINED FOR A PERIOD OF ONE YEAR FOLLOWING HIS SERVICE AS A COMMISSIONER, SO AS TO EXTEND THAT PROHIBITION TO A FOUR-YEAR PERIOD.

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Prefiled and referred to the Committee on Judiciary.

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

S. 948 -- Senator Harpootlian: A BILL TO AMEND SECTION 12-23-210 OF THE 1976 CODE, RELATING TO THE MUNICIPAL PRIVILEGE OR LICENSE TAX ON RAILROADS AND MAXIMUM ALLOWABLE AMOUNTS, TO REMOVE MAXIMUM ALLOWABLE AMOUNTS.

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Prefiled and referred to the Committee on Finance.

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

S. 949 -- Senators Harpootlian, Climer and Campsen: A BILL TO AMEND SECTION 2-7-60 OF THE 1976 CODE, RELATING TO THE ANNUAL GENERAL APPROPRIATIONS ACT, TO PROVIDE THAT LINE ITEM APPROPRIATIONS TO BE EXPENDED FOR MULTIPLE PURPOSES OR ACTIVITIES MUST ALSO CONTAIN A PROVISIO OUTLINING SPECIFIC INDIVIDUAL EXPENDITURES IN ORDER TO RECEIVE FUNDING; TO AMEND SECTION 11-9-10 OF THE 1976 CODE, RELATING TO MONEY TO BE SPENT ONLY FOR THE PURPOSE OR ACTIVITY SPECIFICALLY APPROPRIATED, TO MAKE CONFORMING CHANGES.

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Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 14, 2020

S. 950 -- Senator Harpootlian: A BILL TO AMEND SECTION 58-9-285 OF THE 1976 CODE, RELATING TO THE REGULATION OF BUNDLED OFFERINGS FOR LOCAL EXCHANGE COMPANIES, TO PROVIDE THAT BUNDLED OFFERINGS AND BUNDLED OFFERING BILLING STATEMENTS MUST INCLUDE PROMINENTLY WRITTEN, ITEMIZED DISCLOSURES OF APPLICABLE TAXES, FEES, AND VARIABLE RATES; TO AMEND ARTICLE 3, CHAPTER 12, TITLE 58 OF THE 1976 CODE, RELATING TO STATE-ISSUED CERTIFICATES OF FRANCHISE AUTHORITY, BY ADDING SECTION 58-12-365, TO PROVIDE THAT A HOLDER OF A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY SELLING BUNDLED OFFERINGS MUST INCLUDE PROMINENTLY WRITTEN, ITEMIZED DISCLOSURES OF APPLICABLE TAXES, FEES, AND VARIABLE RATES ON BUNDLED OFFERINGS AND BUNDLED OFFERING BILLING STATEMENTS; AND TO DEFINE NECESSARY TERMS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 951 -- Senator Harpootlian: A BILL TO AMEND CHAPTER 1, TITLE 58 OF THE 1976 CODE, RELATING TO PUBLIC UTILITIES, SERVICES, AND CARRIERS, BY ADDING SECTION 58-1-70, TO REQUIRE THAT A PUBLIC UTILITY SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS TO THE PORTION OF A SERVICE LINE FROM THE UTILITY'S SERVICE METER TO THE POINT OF ENTRY OF THE SERVED FACILITY OR STRUCTURE AND TO PROVIDE EXCEPTIONS.

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Prefiled and referred to the Committee on Judiciary.

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

S. 952 -- Senators Harpootlian and Climer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-15-130 SO AS TO GRANT SUBPOENA POWERS TO THE LEGISLATIVE AUDIT COUNCIL; TO AMEND SECTION 2-15-40, RELATING TO THE QUALIFICATIONS FOR THE DIRECTOR OF THE LEGISLATIVE AUDIT COUNCIL, SO AS TO EXPAND THE PREREQUISITES FOR HOLDING THE POSITION OF DIRECTOR, AMONG OTHER CHANGES; TO AMEND SECTION 2-15-61, RELATING TO ACCESS TO AGENCY

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RECORDS, SO AS TO EXPAND THE LEGISLATIVE AUDIT COUNCIL'S ACCESS TO RECORDS AND FACILITIES UPON REQUEST AND TO PROVIDE PENALTIES FOR FAILING TO COMPLY; AND TO AMEND SECTION 2-15-120, RELATING TO THE CONFIDENTIALITY OF RECORDS, SO AS TO FURTHER DEFINE WHAT IS CONSIDERED CONFIDENTIAL AND TO REVISE THE DEFINITION OF "RECORDS".

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Prefiled and referred to the Committee on Judiciary.

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

S. 953 -- Senator Senn: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT A ROAD, BRIDGE, OR OTHER HIGHWAY FACILITY SHALL NOT BE DEDICATED AND NAMED IN HONOR OF A LIVING PERSON, AND TO PROVIDE FOR THE REMOVAL OF THE NAMES OF CERTAIN INDIVIDUALS FROM A ROAD, BRIDGE, OR OTHER HIGHWAY FACILITY; AND TO AMEND CHAPTER 1, TITLE 10 OF THE 1976 CODE, RELATING TO PUBLIC BUILDINGS AND PROPERTY, TO PROVIDE THAT A PUBLIC BUILDING SHALL NOT BE DEDICATED AND NAMED IN HONOR OF A LIVING PERSON, AND TO PROVIDE FOR THE REMOVAL OF THE NAMES OF CERTAIN INDIVIDUALS FROM A PUBLIC BUILDING.

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Prefiled and referred to the Committee on Transportation.

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

S. 954 -- Senators Scott and Setzler: A BILL TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

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Prefiled and referred to the Committee on Finance.

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

TUESDAY, JANUARY 14, 2020

S. 955 -- Senator Williams: A SENATE RESOLUTION TO CONGRATULATE IDEAL FUNERAL PARLOR UPON THE OCCASION OF ITS EIGHTIETH ANNIVERSARY AND TO COMMEND THE BUSINESS FOR ITS MANY YEARS OF SERVICE TO THE PEE DEE REGION.

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The Senate Resolution was adopted.

S. 956 -- Senator Campsen: A SENATE RESOLUTION TO CONGRATULATE THE WANDO HIGH SCHOOL MARCHING BAND, DIRECTORS, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE BAND'S TWELFTH SOUTH CAROLINA 5A STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 957 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LEGENDS OF CAROLINA MARTIAL ARTS, THE ORGANIZATION'S INDUCTEES, ITS BOARD OF DIRECTORS, AND BRIAN AND ALLISON PENA FOR THEIR INCREDIBLE DEDICATION, HARD WORK, AND ACHIEVEMENTS IN THE FIELD OF MARTIAL ARTS.

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The Senate Resolution was adopted.

S. 958 -- Senators J. Matthews and Hutto: A SENATE RESOLUTION TO RECOGNIZE OLIVER "BUDDY" POUGH, HEAD FOOTBALL COACH OF SOUTH CAROLINA STATE UNIVERSITY, FOR HIS OUTSTANDING COACHING CAREER AND TO CONGRATULATE HIM FOR SETTING THE SCHOOL'S RECORD FOR COACHING WINS.

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The Senate Resolution was adopted.

S. 959 -- Senators Setzler and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF SISTER GLORIA CHAVOUS RILEY AND TO EXTEND THEIR

TUESDAY, JANUARY 14, 2020

DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 960 -- Senator Williams: A SENATE RESOLUTION TO CONGRATULATE ORGAE MAE HENDLEY JOHNSON OF MULLINS, SOUTH CAROLINA, ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 961 -- Senators Jackson, Scott, McElveen, McLeod, Harpootlian and Setzler: A SENATE RESOLUTION TO CONGRATULATE THE COLUMBIA CIVITAN CLUB UPON THE OCCASION OF ITS NINETIETH ANNIVERSARY AND TO COMMEND THE CLUB FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE COLUMBIA COMMUNITY.

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The Senate Resolution was adopted.

S. 962 -- Senator McElveen: A SENATE RESOLUTION TO HONOR AND RECOGNIZE GERALDINE SINGLETON FOR HER MANY YEARS OF SERVING THANKSGIVING AND CHRISTMAS MEALS TO THOSE IN NEED IN THE SUMTER COMMUNITY.

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The Senate Resolution was adopted.

S. 963 -- Senator Hutto: A SENATE RESOLUTION TO CONGRATULATE NORTHSIDE BAPTIST CHURCH UPON THE OCCASION OF ITS EIGHTIETH ANNIVERSARY, TO RECOGNIZE AND HONOR THE CHURCH FOR ITS DEEP HERITAGE IN THE ORANGEBURG COMMUNITY, AND TO COMMEND ITS LEADERSHIP AND CONGREGATION FOR THEIR MANY YEARS OF SERVICE TO THIS COMMUNITY.

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The Senate Resolution was adopted.

TUESDAY, JANUARY 14, 2020

S. 964 -- Senator McElveen: A SENATE RESOLUTION TO HONOR AND RECOGNIZE JEAN WILLIAMS FOR HER MANY YEARS OF SERVICE WITH EMMANUEL UNITED METHODIST CHURCH SOUP KITCHEN.

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The Senate Resolution was adopted.

S. 965 -- Senator Hutto: A SENATE RESOLUTION TO CONGRATULATE THE REGIONAL MEDICAL CENTER OF ORANGEBURG UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE CENTER FOR ITS MANY YEARS OF SERVICE TO ITS COMMUNITY.

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The Senate Resolution was adopted.

S. 966 -- Senator Malloy: A SENATE RESOLUTION TO HONOR AND RECOGNIZE DELTA SIGMA THETA SORORITY, INC. UPON THE OCCASION OF THE DELTA SIGMA THETA SOUTH CAROLINA STATEWIDE FOUNDERS' DAY AND TO WELCOME ITS MEMBERS TO THE CITY OF HARTSVILLE.

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The Senate Resolution was adopted.

S. 967 -- Senator Rice: A SENATE RESOLUTION TO CONGRATULATE THE AMERICAN LEGION POST 52 OF EASLEY, SOUTH CAROLINA, FOR EARNING THE NATIONAL COMMANDERS POST EXCELLENCE AWARD FOR 2018-2019 AND TO COMMEND THE POST FOR ITS MANY YEARS OF DEDICATED SERVICE TO ITS COMMUNITY, STATE, AND NATION.

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The Senate Resolution was adopted.

S. 968 -- Senator Campsen: A SENATE RESOLUTION TO CONGRATULATE MARK L. ROBERTSON UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-FOUR YEARS OF DISTINGUISHED PUBLIC SERVICE WITH THE NATURE CONSERVANCY, AND TO WISH HIM

TUESDAY, JANUARY 14, 2020

MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 969 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIAM FRICK OF WINNSBORO FOR HIS OUTSTANDING SERVICE AND TO CONGRATULATE HIM ON RECEIVING THE 2019 SOUTH CAROLINA PUBLIC DEFENDER OF THE YEAR AWARD.

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

S. 970 -- Senator Nicholson: A SENATE RESOLUTION TO CONGRATULATE ROCK PRESBYTERIAN CHURCH OF GREENWOOD ON THE OCCASION OF ITS HISTORIC TWO HUNDRED FIFTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 971 -- Senator McLeod: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. HENRY JAMES MARION, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SEVEN YEARS OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 972 -- Senator Fanning: A SENATE RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF NANCY RIKARD LEE, DRAFTING ASSISTANT FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, TO CONGRATULATE HER ON THE OCCASION OF HER RETIREMENT FROM SERVICE TO THE STATE OF SOUTH

TUESDAY, JANUARY 14, 2020

CAROLINA AFTER AN EXEMPLARY CAREER OF TWENTY-THREE YEARS, AND TO WISH FOR HER A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

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The Senate Resolution was adopted.

S. 973 -- Senator McLeod: A BILL TO AMEND SECTION 8-13-1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO PROVIDE THAT A CANDIDATE MAY USE CAMPAIGN FUNDS TO PAY REASONABLE CHILDCARE EXPENSES THAT ARE THE DIRECT RESULT OF CAMPAIGN ACTIVITY AND THAT WOULD NOT HAVE BEEN INCURRED BY THE CANDIDATE BUT FOR THE CAMPAIGN ACTIVITY, AND THE USE OF CAMPAIGN FUNDS TO PAY REASONABLE CHILDCARE EXPENSES THAT ARE THE DIRECT RESULT OF CAMPAIGN ACTIVITY AND THAT WOULD NOT HAVE BEEN INCURRED BY THE CANDIDATE BUT FOR THE CAMPAIGN ACTIVITY MAY NOT BE CONSTRUED TO CONSTITUTE A PERSONAL EXPENSE.

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

S. 974 -- Senator Talley: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2024.

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

S. 975 -- Senator Johnson: A BILL TO CONSOLIDATE CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND EAST CLARENDON COUNTY SCHOOL DISTRICT NO. 3 (CLARENDON COUNTY SCHOOL DISTRICT NO. 3) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS CLARENDON COUNTY SCHOOL DISTRICT NO. 4; TO ABOLISH CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3 ON JULY 1, 2021; TO PROVIDE THAT CLARENDON COUNTY SCHOOL DISTRICT NO. 4 MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED

TUESDAY, JANUARY 14, 2020

BY THE CLARENDON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, SIX MEMBERS MUST BE ELECTED FROM A DEFINED SINGLE-MEMBER ELECTION DISTRICT AND ONE MEMBER MUST BE ELECTED FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3; TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY SCHOOL DISTRICT NO. 4 BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY 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, CLARENDON COUNTY SCHOOL DISTRICT NO. 4 SHALL HAVE TOTAL FISCAL AUTONOMY.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 976 -- Senator Alexander: A BILL TO AMEND TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 8, TO PROVIDE FOR ADVANCED STATE CONSTABLES, THEIR DUTIES, AND RELATED PROVISIONS.

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

S. 977 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUMES 11A AND 20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2020.

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

TUESDAY, JANUARY 14, 2020

S. 978 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE THE BATESBURG-LEESVILLE HIGH SCHOOL CLASS OF 1979 AND TO CONGRATULATE THEM ON CELEBRATING THEIR FORTIETH ANNIVERSARY OF HIGH SCHOOL GRADUATION.

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The Senate Resolution was adopted.

S. 979 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-59-60 SO AS TO ALLOW FOR CONTRIBUTIONS FOR DEFENSE COSTS FOR THE SAME CLAIM, SUIT, OR ACTION AMONG MORE THAN ONE LIABILITY INSURER.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 980 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

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

S. 981 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-80 SO AS TO PROVIDE A PERSON IS GUILTY OF DRUG-INDUCED HOMICIDE WHEN HE DELIVERS CERTAIN CONTROLLED SUBSTANCES TO ANOTHER PERSON AND THAT CONTROLLED SUBSTANCE IS THE PROXIMATE CAUSE OF ANOTHER PERSON'S DEATH AND TO PROVIDE A PENALTY.

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

S. 982 -- Senator Alexander: A BILL TO AMEND SECTION 56-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE PROVISIONS THAT PERTAIN TO THE DEPARTMENT OF

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MOTOR VEHICLES, SO AS TO CREATE ADDITIONAL TERMS AND DEFINITIONS RELATING TO SALVAGE, JUNK, AND OFF-ROAD-USE VEHICLES; TO AMEND SECTION 56-19-485, RELATING TO THE TITLE BRAND DESIGNATION OF VEHICLES AS "WRECKAGE" OR "SALVAGE", SO AS TO DELETE THESE DESIGNATIONS AND TO PROVIDE THE TITLE BRAND DESIGNATION MUST BE ONE THAT IS CONTAINED IN SECTION 56-1-10; AND TO AMEND SECTION 56-19-490, RELATING TO PLACING LANGUAGE ON A MOTOR VEHICLE TITLE TO INDICATE THE MOTOR VEHICLE WAS RETURNED TO ITS MANUFACTURER UNDER CERTAIN CIRCUMSTANCES, SO AS TO REVISE THE LANGUAGE THAT MUST BE PLACED ON THE MOTOR VEHICLE'S TITLE.

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

S. 983 -- Senator Rankin: A BILL TO AMEND SECTION 15-39-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF JUDGMENT EXECUTIONS, SO AS TO PROVIDE FOR A NEW PROCEDURE; AND TO AMEND SECTION 15-39-30, RELATING TO ISSUANCE OF EXECUTIONS, SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH A FINAL JUDGMENT SHALL HAVE ACTIVE ENERGY BEYOND THE TEN-YEAR PERIOD.

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

S. 984 -- Senator Sheheen: A BILL TO AMEND SECTION 48-1-95(E) OF THE 1976 CODE, RELATING TO THE PUBLIC NOTICE REQUIREMENT FOR SIGNIFICANT SPILLS BY WASTEWATER UTILITIES, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROVIDE PUBLIC NOTICE OF A SIGNIFICANT SPILL.

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

S. 985 -- Senator Hembree: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY SCHOOL YEAR CALENDAR, SO AS TO PROVIDE LOCAL SCHOOL BOARDS SHALL ESTABLISH TWELVE-MONTH CYCLES FOR SCHOOLS OPERATING ON

TUESDAY, JANUARY 14, 2020

YEAR-ROUND MODIFIED SCHOOL CALENDARS, AND TO PROVIDE SUCH CYCLES MAY NOT INCLUDE MORE THAN FOUR CONSECUTIVE WEEKS WITHOUT REQUIRING ATTENDANCE BY TEACHERS, STAFF, AND STUDENTS.

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

S. 986 -- Senator Hembree: A BILL TO AMEND SECTION 8-13-1312, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO DEFINE RELEVANT TERMS APPLICABLE TO THIS ACT, TO PROVIDE THAT ALL CONTRIBUTIONS RECEIVED BY CANDIDATES SHALL BE DEPOSITED INTO AN INTEREST ON CAMPAIGN ACCOUNT KNOWN AS AN "IOCA", TO PROVIDE THAT IOCAS SHALL BENEFIT THE STATE ETHICS COMMISSION, TO PROVIDE THAT IOCAS MUST BE ESTABLISHED WITH ELIGIBLE INSTITUTIONS THAT VOLUNTARILY CHOOSE TO PARTICIPATE, TO PROVIDE FOR THE RATE OF INTEREST OR DIVIDENDS PAYABLE ON AN IOCA, TO PROVIDE THAT ONE PERCENT OF ALL CONTRIBUTIONS DEPOSITED INTO AN IOCA MUST BE REMITTED TO BENEFIT THE COMMISSION, AND TO PROVIDE THAT THE FUNDS REMITTED TO THE COMMISSION PURSUANT TO THIS ACT MUST BE USED BY THE COMMISSION TO CREATE A POSITION OR POSITIONS WITHIN ITS EMPLOY TO CHECK AND CONFIRM THE COMPLETENESS OF CANDIDATE FILINGS; TO AMEND SECTION 8-13-320, RELATING TO THE DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE THAT THOSE DUTIES AND RESPONSIBILITIES INCLUDE RECEIVING, ADMINISTERING, INVESTING, DISBURSING, AND SEPARATELY ACCOUNTING FOR FUNDS REMITTED TO IT PURSUANT TO SECTION 8-13-1312; AND TO AMEND SECTION 8-13-340, RELATING TO THE ANNUAL REPORT OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE THAT THE STATE ETHICS COMMISSION ALSO SHALL INCLUDE IN ITS ANNUAL REPORT TO THE GENERAL ASSEMBLY AND TO THE GOVERNOR THE AMOUNT OF FUNDS IT HAS RECEIVED FROM IOCAS.

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

TUESDAY, JANUARY 14, 2020

S. 987 -- Senator Hembree: A BILL TO AMEND SECTION 23-35-175, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCHARGE OF FIREWORKS AND CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "FIREWORKS PROHIBITED ZONE" TO INCLUDE ANY PUBLIC BEACH OR PUBLIC BEACH ACCESS.

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

S. 988 -- Senator Sheheen: A BILL TO AMEND SECTIONS 1 AND 2 OF ACT 172 OF 1995, RELATING TO THE KERSHAW COUNTY TRANSPORTATION COMMITTEE, TO PROVIDE THAT EACH MEMBER OF THE KERSHAW COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID FROM KERSHAW COUNTY "C" FUND REVENUES NINETY DOLLARS FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, TO PROVIDE THAT THE CHAIRMAN SHALL BE ALLOWED AND PAID FROM KERSHAW COUNTY "C" FUND REVENUES ONE HUNDRED SEVENTY-FIVE DOLLARS FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, AND TO PROVIDE THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS IN ANY SINGLE FISCAL YEAR WHICH VOUCHERS AUTHORIZE PAYMENT FOR MORE THAN EIGHTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 989 -- Senator Goldfinch: A BILL TO AMEND SECTION 59-53-810 OF THE 1976 CODE, RELATING TO THE HORRY-GEORGETOWN TECHNICAL COLLEGE COMMISSION, TO PROVIDE THAT APPOINTMENTS FROM GEORGETOWN COUNTY MUST BE MADE BY THE GOVERNOR UPON THE RECOMMENDATION OF A MAJORITY OF THE GEORGETOWN COUNTY LEGISLATIVE DELEGATION, INCLUDING THE RESIDENT SENATOR; AND TO AMEND SECTION 59-53-840, RELATING TO THE ACCOUNTS OF THE COMMISSION AND AUDITS, TO MAKE CONFORMING CHANGES.

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

TUESDAY, JANUARY 14, 2020

S. 990 -- Senator Climer: A BILL TO AMEND SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320 OF THE 1976 CODE, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; TO REPEAL SECTIONS 44-7-160, 44-7-170, 44-7-180, 44-7-190, 44-7-200, 44-7-210, 44-7-220, 44-7-225, 44-7-230, AND 44-7-240 OF THE 1976 CODE, ALL RELATING TO THE CERTIFICATE OF NEED PROGRAM; AND TO RENAME ARTICLE 3, CHAPTER 7, TITLE 44 OF THE 1976 CODE AS "STATE HEALTH FACILITY LICENSURE ACT".

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

S. 991 -- Senators Climer, Massey and Davis: A BILL TO AMEND CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING ARTICLE 16, TO PROVIDE THAT ALL HEALTH INSURANCE CARRIERS SHALL OFFER SHARED SAVINGS INCENTIVE PROGRAMS AS COMPONENTS OF ALL HEALTH INSURANCE PLANS, SUBJECT TO CERTAIN EXCEPTIONS, TO PROVIDE RELATED REQUIREMENTS CONCERNING THE ESTABLISHMENT OF THESE PROGRAMS, TO PROVIDE FOR THE OFFERING OF INCENTIVES TO HEALTH PLAN ENROLLEES CONCERNING CERTAIN COVERED SHOPPABLE HEALTH CARE SERVICES, TO PROVIDE THAT SHARED SAVINGS INCENTIVE PAYMENTS ARE NOT ADMINISTRATIVE EXPENSES OF A CARRIER THAT PAID THEM FOR RATE DEVELOPMENT OR RATE FILING PURPOSES, TO PROVIDE REPORTING REQUIREMENTS, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 992 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-1-135 SO AS TO PROHIBIT A PERSON WILFULLY CAUSING OR ALLOWING CERTAIN AERIAL VEHICLES TO ENTER UPON OR ABOVE THE FARM OF ANOTHER, TO PROVIDE AN

TUESDAY, JANUARY 14, 2020

EXCEPTION, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO DEFINE THE TERM "FARM".

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

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.

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

S. 994 -- Senators Malloy and McElveen: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE, AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION

TUESDAY, JANUARY 14, 2020

SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 995 -- Senator Jackson: A BILL TO AMEND ARTICLE 7, CHAPTER 17, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES AGAINST PUBLIC POLICY, BY ADDING SECTION 16-17-507, TO PROHIBIT THE SALE AND POSSESSION OF FLAVORED VAPOR PRODUCTS, AND TO DEFINE NECESSARY TERMS.

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

S. 996 -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND THE SCREENING FOR CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO PROVIDE FOR ADVERTISEMENT FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD AND FOR CERTAIN PROCESS REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020, THROUGH NOON ON FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER; AND TO PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS MAY BE RELEASED.

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

S. 997 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-150 SO AS TO PROVIDE TWELVE WEEKS OF PAID FAMILY LEAVE FOR STATE EMPLOYEES DUE TO THE BIRTH, ADOPTION, OR FOSTER CARE OF A SON OR DAUGHTER.

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

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S. 998 -- Senators Davis and Climer: A JOINT RESOLUTION TO ESTABLISH THE ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE, TO PROVIDE FOR THE MEMBERSHIP OF 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 APPROPRIATE FUNDS TO ENGAGE A THIRD-PARTY, INDEPENDENT, EXPERT CONSULTANT, OR CONSULTANTS, TO ADVISE THE STUDY COMMITTEE.

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

S. 999 -- Senators Rankin, Young and Sabb: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE

TUESDAY, JANUARY 14, 2020

ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

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

S. 1000 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 701 NORTH FROM ITS INTERSECTION WITH THE CITY LIMITS OF THE CITY OF LORIS TO A POINT ONE MILE NORTH OF THIS INTERSECTION, AND THE PORTION OF UNITED STATES

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HIGHWAY 701 SOUTH FROM ITS INTERSECTION WITH THE CITY LIMITS OF THE CITY OF LORIS TO A POINT ONE MILE SOUTH OF THIS INTERSECTION "HENRY L. NICHOLS HIGHWAY", AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG BOTH PORTIONS OF HIGHWAY THAT CONTAIN THESE WORDS.

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

S. 1001 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, JAMES W. OXFORD, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 4, 2020.

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

S. 1002 -- Senators Rankin, Malloy, Young, McElveen, Kimpson, M. B. Matthews, Senn, Harpootlian, Sabb, Campsen, Hutto, Setzler, Hembree, Talley and Davis: A BILL TO AMEND SECTION 14-7-1050, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; TO AMEND SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND TO AMEND SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

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

S. 1003 -- Senator Verdin: A BILL TO AMEND SECTION 7-7-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO ELIMINATE THE BREWERTON AND

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PRINCETON VOTING PRECINCTS, TO ESTABLISH THE BREWERTON-PRINCETON VOTING PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES AND BOUNDARIES OF THE LAURENS COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 1004 -- Senator Corbin: A SENATE RESOLUTION TO CONGRATULATE THE LANDRUM HIGH SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING 2019 SEASON.

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The Senate Resolution was adopted.

H. 3661 -- Rep. McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-3-320 SO AS TO CLARIFY THE MEANING OF THE TERM "CONTIGUOUS" WHEN A MUNICIPALITY THAT IS LOCATED ENTIRELY WITHIN THE BORDERS OF A SPECIAL PURPOSE DISTRICT ANNEXES UNINCORPORATED PROPERTY THAT IS ALSO LOCATED WITHIN THE SAME SPECIAL PURPOSE DISTRICT AS THE ANNEXING MUNICIPALITY.

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

INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Tuesday, January 14, 2020 - 6:00-8:00pm

Members, Reception, Columbia Metropolitan Convention Center, by
LEXINGTON COUNTY NIGHT

Tuesday, January 14, 2020 - 6:00-8:00pm

Members, Reception, Columbia Metropolitan Convention Center, by
THE DAVID WILKINS LEGISLATIVE AND CIVIC AWARDS DINNER

Tuesday, January 14, 2020 - 6:00-7:30pm

Members, Reception, Columbia Museum of Art, by the **SOUTH CAROLINA BANKERS ASSOCIATION**

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Wednesday, January 15, 2020 - 12:00-2:00pm

Members and Staff, Luncheon, 112 Blatt, by **AMI KIDS**

Wednesday, January 15, 2020 - 5:00-7:00pm

Members, Reception, Capital City Club, by the **SOUTH CAROLINA ECONOMIC DEVELOPERS' ASSOCIATION**

Wednesday, January 15, 2020 - 5:00-7:00pm

Members, Reception, USC Alumni Center, by the **DESIGN/ CONSTRUCTION PARTNERSHIP**

Wednesday, January 15, 2020 - 5:30-8:00pm

Members and Staff, Reception, The Palmetto Club, 1231 Sumter Street, by **THE WINE & SPIRITS WHOLESALERS ASSOCIATION OF SC**

Thursday, January 16, 2020 - 8:00-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **SOUTH CAROLINA RECYCLERS' ASSOCIATION**

Tuesday, January 21, 2020 - 5:00-7:00pm

Members and Staff, Reception, Columbia Metropolitan Convention Center, by the **SC GREEN INDUSTRY ASSOCIATION**

Tuesday, January 21, 2020 - 6:00-8:00pm

Members and Staff, Reception, Vista Room, Blue Marlin, by the **CONSERVATION VOTERS OF SOUTH CAROLINA**

Wednesday, January 22, 2020 - 8:00-10:00am

Members, Breakfast, 112 Blatt, by the **SC ASSOCIATION OF SPECIAL PURPOSE DISTRICTS**

Wednesday, January 22, 2020 - 12:00-2:00pm

Members, Luncheon, 112 Blatt, by the **SOUTH CAROLINA ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT**

Wednesday, January 22, 2020 - 5:00-7:00pm

Members and Staff, Reception, Capitol Center, 1201 Main Street, by the **SOUTH CAROLINA BAR**

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Thursday, January 23, 2020 - 8:00-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **FORESTRY ASSOCIATION OF SOUTH CAROLINA**

Thursday, January 23, 2020 - 8:00am-10:00am

Members, Breakfast, Halls Chop House, by **SC BIO**

Tuesday, January 28, 2020 - 5:00-6:30pm

Members and Staff, Reception, The Palmetto Club, 1231 Sumter Street, by the **SOUTH CAROLINA CHAMBER OF COMMERCE**

Tuesday, January 28, 2020 - 5:30-7:30pm

Members and Staff, Reception, Capital City Club, 1201 Main Street, by the **NORTHEASTERN STRATEGIC ALLIANCE**

Wednesday, January 29, 2020 - 8:00-10:00am

Members, Breakfast, 112 Blatt, by the **SOUTH CAROLINA EMERGENCY MANAGEMENT ASSOCIATION**

Wednesday, January 29, 2020 - 11:30am-2:00pm

Members, Luncheon, State House Grounds, by the **SOUTH CAROLINA BAPTIST CONVENTION**

Wednesday, January 29, 2020 - 5:00-7:00pm

Members and Staff, Reception, Columbia Convention Center, by the **THE ELECTRIC COOPERATIVES OF SOUTH CAROLINA**

Wednesday, January 29, 2020 - 6:00-8:00pm

Members and Staff, Reception, USC Alumni Center, by the **UNIVERSITY OF SOUTH CAROLINA/MY CAROLINA ALUMNI ASSOCIATION**

Thursday, January 30, 2020 - 8:00-10:00am

Members and Staff, Breakfast, 112 Blatt, by **THE FOUNDATION FOR THE SOUTH CAROLINA COMMISSION FOR THE BLIND**

REPORTS OF STANDING COMMITTEES

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

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH

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CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT”; BY ADDING SECTION 59-1-485 SO AS TO PROVIDE A STATEWIDE COLLEGE AND CAREER READINESS GOAL FOR 2030; BY ADDING ARTICLE 15 TO CHAPTER 63, TITLE 59 SO AS TO CREATE THE “STUDENT BILL OF RIGHTS”; TO AMEND SECTION 59-5-10, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ADD A PUBLIC SCHOOL STUDENT APPOINTED BY THE GOVERNOR TO SERVE A TWO-YEAR TERM AS A NONVOTING ADVISORY MEMBER; BY ADDING CHAPTER 12 TO TITLE 1 SO AS TO CREATE THE “ZERO TO TWENTY COMMITTEE” AND TO PROVIDE FOR THE PURPOSES, MEMBERSHIP, AND DUTIES OF THE COMMITTEE; BY ADDING SECTION 59-29-250 SO AS TO PROVIDE FOR THE EXPANSION AND ENHANCEMENT OF COMPUTER SCIENCE EDUCATION IN HIGH SCHOOLS; TO AMEND SECTION 59-18-310, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM, SO AS TO REMOVE SOCIAL STUDIES FROM THE ACADEMIC AREAS ASSESSED; TO AMEND SECTION 59-18-320, RELATING TO FIELD TESTS IN THE STATEWIDE ASSESSMENT PROGRAM AND ADMINISTRATION OF ASSESSMENTS UNDER THE PROGRAM, SO AS TO MAKE CHANGES TO CONFORM TO THE REMOVAL OF SOCIAL STUDIES FROM THE ACADEMIC AREAS ASSESSED; TO AMEND SECTION 59-18-325, RELATING TO REQUIREMENTS THAT THE DEPARTMENT PROCURE AND ADMINISTER CERTAIN STANDARDS-BASED ASSESSMENTS, SO AS TO REMOVE THE REQUIREMENT FOR PROCURING AND ADMINISTERING STANDARDS-BASED ASSESSMENTS IN SOCIAL STUDIES TO STUDENTS IN FIFTH GRADE AND SEVENTH GRADE; BY ADDING SECTION 59-156-250 SO AS TO PROVIDE THE STATE OFFICE OF FIRST STEPS TO SCHOOL READINESS AND THE STATE DEPARTMENT OF EDUCATION SHALL COMPILE AND REPORT TO THE GENERAL ASSEMBLY CERTAIN INFORMATION ABOUT EARLY CHILDHOOD READING EFFORTS, PLANS TO INCREASE PARTICIPATION IN RELATED PROGRAMS IN CERTAIN DISTRICTS, AND TO REQUIRE A SUBSEQUENT REPORT IN FIVE YEARS; TO AMEND SECTION 59-104-20, RELATING TO THE CRITERIA FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO STRENGTHEN ENGLISH, MATHEMATICS, AND COMPUTER SCIENCE FOUNDATIONS OF HIGH SCHOOL SENIORS SEEKING

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PALMETTO FELLOWS SCHOLARSHIPS BY REQUIRING SUCCESSFUL COMPLETION OF CERTAIN ENGLISH AND MATHEMATICS OR COMPUTER SCIENCE COURSEWORK DURING THEIR SENIOR YEARS, AND TO EXCLUDE MEMBERS OF THE 2019-2020 SENIOR CLASS FROM THESE REQUIREMENTS; TO AMEND SECTION 59-149-50, RELATING TO THE CRITERIA FOR LIFE SCHOLARSHIPS, SO AS TO STRENGTHEN ENGLISH, MATHEMATICS, AND COMPUTER SCIENCE FOUNDATIONS OF HIGH SCHOOL SENIORS SEEKING LIFE SCHOLARSHIPS BY REQUIRING SUCCESSFUL COMPLETION OF CERTAIN ENGLISH AND MATHEMATICS OR COMPUTER SCIENCE COURSEWORK DURING THEIR SENIOR YEARS, AND TO EXCLUDE MEMBERS OF THE 2019-2020 SENIOR CLASS FROM THESE REQUIREMENTS; TO AMEND SECTION 59-59-210, RELATING TO ARTICULATION AGREEMENTS PROVIDING DUAL ENROLLMENT BETWEEN HIGH SCHOOLS AND PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO EXPAND SUCH DUAL ENROLLMENT OPPORTUNITIES BY CREATING A UNIFORM SYSTEM OF DUAL ENROLLMENT COLLEGE COURSES OFFERED TO HIGH SCHOOL STUDENTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-18-365 SO AS TO PROVIDE A SYSTEM FOR ACCOUNTABILITY FOR STUDENT PROGRESS TOWARD COLLEGE AND CAREER READINESS FROM KINDERGARTEN THROUGH TWELFTH GRADE; TO AMEND SECTION 59-5-65, RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION, SO AS TO PROVIDE REMEDIAL COURSEWORK FOR COLLEGE READINESS ONLY MAY BE PROVIDED AT THE HIGH-SCHOOL LEVEL AND MAY NOT BE PROVIDED AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTIONS 59-18-1950 AND 59-101-350, BOTH RELATING TO REMEDIAL COURSEWORK, SO AS TO MAKE A CONFORMING CHANGE TO THE ELIMINATION OF REMEDIAL COURSEWORK BEING OFFERED AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-155-155 SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL APPROVE NO MORE THAN FIVE RELIABLE AND VALID EARLY LITERACY AND NUMERACY SCREENING ASSESSMENT INSTRUMENTS FOR SELECTION AND USE BY SCHOOL DISTRICTS FOR KINDERGARTEN THROUGH THIRD GRADE, AND TO PROVIDE

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REQUIREMENTS FOR SUCH INSTRUMENTS; TO AMEND SECTION 59-155-110, RELATING TO THE READ TO SUCCEED OFFICE, SO AS TO CORRECT A TYPOGRAPHICAL ERROR; TO AMEND SECTION 59-155-120, RELATING TO DEFINITIONS IN THE READ TO SUCCEED ACT, SO AS TO REVISE DEFINITIONS; TO AMEND SECTION 59-155-130, RELATING TO DUTIES OF THE READ TO SUCCEED OFFICE, SO AS TO REVISE THE REQUIREMENTS CONCERNING COURSEWORK NECESSARY FOR LITERACY ADD-ON ENDORSEMENTS AND TO REVISE REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT IN READING AND COACHING FOR CERTIFIED READING/LITERACY COACHES AND LITERACY TEACHERS; TO AMEND SECTION 59-155-140, RELATING TO THE STATE READING PROFICIENCY PROGRAM, SO AS TO REMOVE THE USE OF BOOK CLUBS FOR CERTAIN REQUIRED SUPPLEMENTAL INSTRUCTION; TO AMEND SECTION 59-155-150, RELATING TO THE READINESS ASSESSMENT PROVIDED BY THE READ TO SUCCEED ACT, SO AS TO REVISE THE REQUIREMENTS FOR SCREENING AND DIAGNOSTIC ASSESSMENTS AND INTERVENTIONS; TO AMEND SECTION 59-155-160, RELATING TO MANDATORY STUDENT RETENTION PROVISIONS OF THE READ TO SUCCEED ACT, SO AS TO REVISE CRITERIA FOR RETENTION AND EXEMPTIONS FROM RETENTION, TO ELIMINATE AN APPEALS PROCESS, AND TO REVISE CRITERIA FOR INTENSIVE INSTRUCTIONAL SERVICES AND SUPPORT PROVIDED TO RETAINED STUDENTS; TO AMEND SECTION 59-155-180, RELATING TO PROVISIONS CONCERNING TEACHER EDUCATION PROGRAMS IN THE READ TO SUCCEED ACT, SO AS TO REMOVE THE REQUIREMENT THAT READING/LITERACY COACHES BE EMPLOYED IN ALL ELEMENTARY SCHOOLS, TO REVISE REQUIREMENTS CONCERNING THE ROLES AND FUNCTIONS OF READING/LITERACY COACHES, TO PROVIDE MEASURES TO ENSURE TEACHER CANDIDATES UNDERSTAND THE FOUNDATIONS OF READING AND ARE PREPARED TO TEACH READING TO ALL STUDENTS, AND TO PROVIDE THE COMMISSION ON HIGHER EDUCATION AND THE LEARNING DISORDERS TASK FORCE ANNUALLY SHALL ASSESS THE EFFECTIVENESS OF TEACHER EDUCATION PROGRAMS IN PREPARING TEACHERS TO DIAGNOSE READING PROBLEMS IN STUDENTS AND PROVIDE

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APPROPRIATE INTERVENTIONS, AND TO PROVIDE THE COMMISSION SHALL REPORT FINDINGS OF THIS ASSESSMENT TO THE STATE DEPARTMENT OF EDUCATION AND TO THE GENERAL ASSEMBLY; TO AMEND SECTION 59-59-20, RELATING TO CAREER-CLUSTER CURRICULUM, SO AS TO REVISE THE CURRICULUM TO ALIGN WITH WORKFORCE NEEDS, AMONG OTHER THINGS; TO AMEND SECTION 59-59-50, RELATING TO STATE MODELS AND PROTOTYPES FOR INDIVIDUAL GRADUATION PLANS, SO AS TO REVISE THE REQUIREMENTS TO INCLUDE CAREER CLUSTERS AND RELATED PATHWAYS AND PROGRAMS OF STUDY, AMONG OTHER THINGS; TO AMEND SECTION 59-59-60, RELATING TO THE ORGANIZATION OF HIGH SCHOOL CURRICULA AROUND CLUSTERS OF STUDY AND CLUSTER MAJORS, SO AS TO REORGANIZE THE CURRICULA AROUND CAREER PATHWAYS AND TO PROMOTE RELATED INCREASED AWARENESS AND CAREER COUNSELING; BY ADDING SECTION 59-53-30 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH COMMON MINIMUM ADMISSIONS SCORES FOR ITS INSTITUTIONS, TO PROVIDE VARIATIONS IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE ADVICE INSTITUTIONS SHOULD GIVE INDIVIDUALS WHO MEET THESE MINIMUM SCORES; TO AMEND SECTION 59-150-360, RELATING TO TUITION ASSISTANCE FOR STUDENTS WHO ATTEND TECHNICAL COLLEGES OR TWO-YEAR PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO PROVIDE THIS ASSISTANCE FOR STUDENTS SEEKING CERTAIN BUSINESS OR INDUSTRY CREDENTIALS, AMONG OTHER THINGS; BY ADDING SECTION 12-6-3800 SO AS TO ALLOW AN INCOME TAX CREDIT FOR A TAXPAYER WHO EMPLOYS A PUBLIC SCHOOL K4-12 TEACHER AS AN INTERN, TO PROVIDE THAT THE INTERNSHIP MUST BE APPROVED BY THE SCHOOL DISTRICT IN WHICH THE TEACHER IS EMPLOYED BASED ON CRITERIA PROVIDED BY THE DEPARTMENT OF EDUCATION, AND TO PROVIDE FOR REPORTING REQUIREMENTS; TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND THE STATE BOARD OF EDUCATION TO REPORT RECOMMENDATIONS FOR TRANSFERRING ADULT BASIC EDUCATION AND ADULT SECONDARY EDUCATION TO THE STATE BOARD FOR

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TECHNICAL AND COMPREHENSIVE EDUCATION AND HOW TO BEST USE CAREER AND TECHNOLOGY CENTERS TO PROVIDE IMPROVED AND UPDATED TECHNICAL EDUCATION; TO AMEND SECTION 59-111-110, RELATING TO CERTAIN PEOPLE EXEMPT FROM PAYING TUITION TO ATTEND PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO INCLUDE FULL-TIME CERTIFIED CLASSROOM TEACHERS EMPLOYED IN SCHOOLS WITH ABSOLUTE RATINGS OF BELOW AVERAGE OR UNSATISFACTORY FOR THREE OF THE FOUR PRECEDING YEARS; BY ADDING SECTION 59-111-155 SO AS TO PROVIDE A NECESSARY DEFINITION; BY ADDING SECTION 59-19-360 SO AS TO PROVIDE SCHOOL BOARDS MAY REIMBURSE TEACHERS WHO MUST TRAVEL MORE THAN TWENTY-FIVE MILES EACH WAY BETWEEN HOME AND SCHOOL FOR MILEAGE AT A RATE NOT TO EXCEED THE FEDERAL RATE; TO AMEND SECTION 59-19-350, RELATING TO SCHOOLS OF CHOICE, SO AS TO PROVIDE SCHOOL DISTRICTS INSTEAD MAY CREATE MULTIPLE SCHOOLS OF INNOVATION; BY ADDING SECTION 59-8-1115 SO AS TO PROVIDE SCHOOLS RECEIVING OVERALL RATINGS OF "GOOD" OR "EXCELLENT" ON THEIR ANNUAL REPORT CARDS FOR AT LEAST TWO CONSECUTIVE YEARS MAY HIRE NONCERTIFIED TEACHERS FOR UP TO TWENTY-FIVE PERCENT OF ITS TEACHING STAFF AND TO PROVIDE REQUIREMENTS FOR NONCERTIFIED TEACHERS; BY ADDING SECTION 59-25-25 SO AS TO PROVIDE EDUCATOR PREPARATION PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION MAY SUBMIT SEPARATE AND DISTINCT EDUCATOR PREPARATION PROGRAMS FOR ALTERNATIVE PREPARATION TO THE STATE BOARD OF EDUCATION FOR APPROVAL, TO PROVIDE THESE PROGRAMS ARE NOT REQUIRED TO BE NATIONALLY ACCREDITED BUT MUST MEET CERTAIN OTHER REQUIREMENTS, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION ANNUALLY SHALL REPORT RELATED DATA TO THE STATE BOARD OF EDUCATION AND THE GENERAL ASSEMBLY; TO AMEND SECTION 59-26-20, RELATING TO DUTIES OF THE STATE BOARD OF EDUCATION AND COMMISSION ON HIGHER EDUCATION CONCERNING THE TRAINING, CERTIFICATION, AND EVALUATION OF PUBLIC EDUCATORS, SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL

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PROMULGATE REGULATIONS REGARDING A CYCLICAL EVALUATION PROCESS FOR APPROVED TEACHER EDUCATOR PROGRAMS, AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 59-26-35 SO AS TO IMPROVE THE MEANS FOR EVALUATING EDUCATOR PREPARATION PROGRAMS BY PROVIDING FOR THE ANNUAL DEVELOPMENT AND PUBLICATION OF THE SOUTH CAROLINA TEACHER PREPARATION REPORT CARD; BY ADDING SECTION 59-26-120 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN EDUCATOR PREPARATION PROGRAMS WITH CERTAIN INFORMATION REGARDING GRADUATES OF THOSE PROGRAMS, TO PROVIDE EDUCATOR PREPARATION PROGRAMS MAY NOT SHARE IDENTIFIABLE EDUCATOR DATA WITH THIRD PARTIES WITHOUT WRITTEN CONSENT, AND TO PROVIDE THIS INFORMATION IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT; BY ADDING SECTION 59-25-52 SO AS TO INCREASE EFFORTS TO RETAIN EDUCATORS BY CONDUCTING A SEMIANNUAL WORKPLACE SATISFACTION OPINION SURVEY OF SOUTH CAROLINA PUBLIC SCHOOL TEACHERS, AND TO PROVIDE FOR THE REPORTING OF THE RESULTS OF THESE SURVEYS; TO AMEND SECTION 59-20-50, RELATING TO TEACHER SALARY SCHEDULES, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE DISTRICTS MAY PAY TEACHERS ANNUAL SALARIES AT LEAST EQUAL TO THE MINIMUM STARTING SCHEDULE FOR THEIR EXPERIENCE AND EDUCATIONAL ATTAINMENT, TO PROVIDE A MINIMUM STARTING SALARY FOR NEW TEACHERS, TO PROVIDE THIS STARTING SALARY MUST BE ESTABLISHED WITH THE GOAL OF REACHING THE SOUTHEASTERN AVERAGE, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO MAKE CERTAIN RECOMMENDATIONS FOR A PLAN TO REMOVE THE EXISTING TEACHER SALARY SCHEDULE AND IMPLEMENT BETWEEN FIVE AND NINE CAREER BANDS, AMONG OTHER THINGS; BY ADDING ARTICLE 16 TO CHAPTER 18, TITLE 59 SO AS TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; BY ADDING SECTION 59-17-15 SO AS TO PROVIDE THE STATE SUPERINTENDENT OF EDUCATION SHALL DEVELOP AND PROVIDE CERTAIN RECOMMENDATIONS CONCERNING THE

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CONSOLIDATION OF SCHOOL DISTRICTS; TO AMEND SECTION 59-39-100, RELATING TO REQUIREMENTS FOR HIGH SCHOOL DIPLOMAS, SO AS TO PROVIDE LOCAL SCHOOL BOARDS MAY REQUIRE ADDITIONAL UNITS OF STUDY FOR HIGH SCHOOL DIPLOMAS BEGINNING WITH STUDENTS ENTERING NINTH GRADE IN THE 2020-2021 SCHOOL YEAR; BY ADDING ARTICLE 5 TO CHAPTER 19, TITLE 59 SO AS TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE REQUIREMENTS FOR LOCAL SCHOOL BOARD GOVERNANCE AND BOARD MEMBER CONDUCT, TO PROVIDE THE STATE BOARD OF EDUCATION SHALL ADOPT A MODEL CODE OF ETHICS FOR LOCAL SCHOOL BOARD MEMBER CONDUCT, TO PROVIDE LOCAL SCHOOL BOARDS SHALL ADOPT CODES OF ETHICS BASED ON THIS MODEL CODE, TO PROVIDE LOCAL SCHOOL BOARDS SHALL ADOPT NEPOTISM POLICIES THAT MEET CERTAIN MINIMUM REQUIREMENTS, TO PROHIBIT CONFLICTS OF INTEREST BY SCHOOL BOARD MEMBERS, TO PROVIDE FOR THE REFERRAL OF CONFLICT OF INTEREST ALLEGATIONS TO THE STATE ETHICS COMMISSION UPON A TWO-THIRDS VOTE OF SCHOOL BOARD MEMBERS PRESENT FOR SUCH A VOTE, TO REQUIRE NOTICE TO THE STATE BOARD OF EDUCATION WHEN A PUBLIC SCHOOL ACCREDITING BODY PLACES A DISTRICT OR SCHOOL ON A LEVEL OF ACCREDITATION THAT IMMEDIATELY PRECEDES ACCREDITATION LOSS FOR GOVERNANCE REASONS, TO PROVIDE THE STATE BOARD OF EDUCATION SHALL CONDUCT A HEARING ON THE MATTER AND MAY RECOMMEND SUSPENSION OF A BOARD TO THE GOVERNOR, AND TO PROVIDE THE GOVERNOR MAY SUSPEND AN ENTIRE BOARD AND APPOINT A TEMPORARY BOARD; TO AMEND SECTION 59-18-920, RELATING TO THE REQUIREMENT THAT THE PERFORMANCE OF STUDENTS IN CHARTER SCHOOLS SPONSORED BY THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT MUST BE INCLUDED IN OVERALL PERFORMANCE RATINGS, SO AS TO PROVIDE THIS REQUIREMENT ALSO APPLIES TO CHARTER SCHOOLS SPONSORED BY REGISTERED INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-19-55 SO AS TO PROVIDE SCHOOL BOARD TRUSTEES AND SCHOOL OFFICIALS SHALL COMPLY WITH CERTAIN ETHICS PROVISIONS APPLICABLE TO PUBLIC OFFICERS AND EMPLOYEES; BY ADDING SECTION

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8-13-810 SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL NOTIFY THE STATE ETHICS COMMISSION OF ANY SCHOOL BOARD TRUSTEE WHO FAILS TO COMPLETE REQUIRED ETHICS TRAINING, TO PROVIDE FAILURE OF A SCHOOL BOARD MEMBER TO COMPLETE THIS TRAINING CONSTITUTES A VIOLATION OF THE STATE ETHICS ACT AND SUBJECTS THE MEMBER TO CERTAIN CIVIL AND CRIMINAL PENALTIES, TO PROVIDE THE COMMISSION ALSO MAY IMPOSE ORAL OR WRITTEN WARNINGS OR REPRIMANDS, AND TO PROVIDE TRUSTEES MUST BE PROVIDED NOTICE AND OPPORTUNITY FOR A HEARING BEFORE THEIR POSITION ON THE SCHOOL BOARD MAY BE TERMINATED FOR VIOLATIONS OF THE STATE ETHICS ACT; TO AMEND SECTION 1-3-240, RELATING TO STATE AND COUNTY OFFICIALS SUBJECT TO REMOVAL FROM OFFICE BY THE GOVERNOR IN CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE SCHOOL BOARD TRUSTEES; TO AMEND SECTION 59-19-45, RELATING TO MANDATORY ORIENTATION FOR SCHOOL BOARD MEMBERS, SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL ADOPT A MODEL TRAINING PROGRAM FOR SCHOOL BOARD MEMBERS WHICH DISTRICTS SHALL ADOPT, TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT LOCAL TRAINING PROGRAMS, AND TO PROVIDE SCHOOL DISTRICTS SHALL PROVIDE SUCH TRAINING TO BOARD MEMBERS WITHIN ONE YEAR AFTER TAKING OFFICE; TO AMEND SECTION 59-19-60, RELATING TO THE REMOVAL OF SCHOOL DISTRICT TRUSTEES, SO AS TO REVISE THE GROUNDS FOR REMOVAL, THE MANNER OF REMOVAL, AND PROVISIONS CONCERNING THE FILLING OF SEATS VACATED BY REMOVAL, AMONG OTHER THINGS; BY ADDING SECTION 59-1-444 SO AS TO PROVIDE THE DEPARTMENT SHALL POST ALL REPORTS, STUDIES, PUBLISHED FINDINGS, MEMORANDA, GUIDELINES, RULES, AND CERTAIN OTHER DOCUMENTS ON ITS INTERNET WEBSITE WITHIN TWENTY-FOUR HOURS AFTER BEING MADE PUBLIC, TO PROVIDE THE POSTING MUST BE IN A CERTAIN FORM AND MANNER EASILY LOCATABLE AND ACCESSIBLE FOR VIEWING AND DOWNLOADING BY THE PUBLIC, AND TO SUBJECT THE DEPARTMENT TO CERTAIN MONETARY FINES FOR NONCOMPLIANCE; TO AMEND SECTION 59-19-90, AS AMENDED, RELATING TO GENERAL

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POWERS AND DUTIES OF LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES MEMBERS, SO AS TO PROVIDE RULES ADOPTED BY THESE BOARDS MUST ALIGN WITH APPLICABLE STATE AND FEDERAL ACCOUNTABILITY STANDARDS; AND TO REPEAL ARTICLE 15 OF CHAPTER 18, TITLE 59 RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT AND SECTION 59-59-30 RELATING TO IMPLEMENTATION OF THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT.

Ordered for consideration tomorrow.

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

H. 3020 -- Reps. McCravy, Bennett, Burns, Chumley, B. Cox, Erickson, Gilliam, Hayes, Hiott, Huggins, Johnson, Jordan, Loftis, Long, Magnuson, Martin, Morgan, D.C. Moss, V.S. Moss, G.R. Smith, Thayer, Toole, Trantham, West, Willis, Wooten, Yow, Allison, Atkinson, Ballentine, Bannister, Bryant, Caskey, Clemmons, Collins, Elliott, Forrest, Fry, Gagnon, Herbkersman, Hixon, Hyde, Lowe, Pope, Sandifer, Simrill, G.M. Smith, Spires, White, Young, Lucas, B. Newton, Bailey, Hewitt, Crawford, Davis, W. Newton, Tallon, Taylor, Stringer and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA FETAL HEARTBEAT PROTECTION FROM ABORTION ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN AND TO PROHIBIT THE PERFORMANCE OF AN ABORTION WHEN A FETAL HEARTBEAT IS DETECTED, BOTH WITH MEDICAL EMERGENCY EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44-41-460, RELATING TO REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; AND TO AMEND SECTION 44-41-330,

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RELATING TO A PREGNANT WOMAN'S RIGHT TO KNOW CERTAIN PREGNANCY INFORMATION, SO AS TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT.

Ordered for consideration tomorrow.

Appointments Reported

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

Statewide Appointments

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2016, and to expire June 30, 2020

1st Congressional District:

Barry D. Malphrus, 6036 Vaux Road, Beaufort, SC 29906-9472 *VICE*
Eva Ravenel

Received as information.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2017, and to expire June 30, 2021

3rd Congressional District:

David L. Thomas, 305 South Weston Street, Fountain Inn, SC 29644-1943 *VICE* Vicki Thompson

Received as information.

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

RECOMMITTED

S. 655 -- Senators Peeler, Malloy, Climer, Fanning, Gregory and Leatherman: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM;

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AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

On motion of Senator LEATHERMAN, the Bill was recommitted to Committee on Finance.

OBJECTION

S. 15 -- Senators Rankin and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-17 SO AS TO REQUIRE A ONE-HALF CREDIT COURSE OF STUDY IN PERSONAL FINANCE WITH AN END-OF-YEAR TEST AS A REQUIREMENT FOR HIGH SCHOOL GRADUATION BEGINNING WITH THE 2020-2021 SCHOOL YEAR.

Senator MARTIN objected to the consideration of the Bill.

OBJECTION

H. 3263 -- Reps. G.M. Smith, Erickson, Bradley, W. Newton, Huggins, Sandifer, Toole, Blackwell, Cogswell, Caskey, Atkinson, Hixon, Taylor, Fry, Weeks and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ARMED SERVICE MEMBERS AND SPOUSES PROFESSIONAL AND OCCUPATIONAL LICENSING ACT" BY ADDING SECTION 37-1-110 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR OCCUPATIONS AND PROFESSIONS REGULATED BY THE DEPARTMENT OF CONSUMER AFFAIRS IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-43-85 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS NONRESIDENT INSURANCE LINES PRODUCERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-47-17 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-48-25 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS PUBLIC

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INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 40-1-625 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR PROFESSIONS AND OCCUPATIONS REGULATED BY BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 59-25-25 SO AS TO PROVIDE SPOUSES OF ARMED SERVICE MEMBERS STATIONED IN THIS STATE MAY WORK AS PUBLIC SCHOOL TEACHERS IN THIS STATE WITHOUT BEING LICENSED OR CERTIFIED BY THE DEPARTMENT OF EDUCATION IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-45-30, RELATING TO LICENSE APPLICATION FEE REQUIREMENTS FOR NONRESIDENT INSURANCE BROKER LICENSURE, SO AS TO EXEMPT CERTAIN ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THE FEES; TO AMEND SECTION 38-49-20, RELATING TO LICENSURE REQUIREMENTS FOR MOTOR VEHICLE PHYSICAL DAMAGE INSPECTORS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-53-80, RELATING TO LICENSURE REQUIREMENTS FOR BAIL BONDSMEN AND RUNNERS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-1-640, RELATING TO THE AUTHORITY OF CERTAIN PROFESSIONALS AND OCCUPATIONAL LICENSING BOARDS TO ACCEPT AND APPLY EDUCATION, TRAINING, AND EXPERIENCE OF CERTAIN SERVICE MEMBERS, SO AS TO MAKE EXERCISE OF THIS AUTHORITY NONDISCRIMINATORY IF CERTAIN CRITERIA ARE MET; AND TO REPEAL SECTION 40-1-630 RELATING TO TEMPORARY OCCUPATIONAL AND PROFESSIONAL LICENSES THAT BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY ISSUE TO SPOUSES OF ACTIVE SERVICE MEMBERS STATIONED IN THIS STATE.

Senator ALEXANDER objected to the consideration of the Bill.

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CARRIED OVER

H. 4369 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO TRANSPORTATION PROJECT PRIORITIZATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4839, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

RECOMMITTED

H. 4120 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF OCCUPATIONAL THERAPY, RELATING TO REACTIVATION OF INACTIVE OR LAPSED LICENSES; AND CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4854, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was recommitted to Committee on Medical Affairs.

RECOMMITTED

H. 4121 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS TO TAKE STEP 3 OF THE UNITED STATES MEDICAL LICENSING EXAMINATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4853, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was recommitted to Committee on Medical Affairs.

RECOMMITTED

H. 4123 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO LONG TERM HEALTH CARE ADMINISTRATORS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER

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4844, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was recommitted to Committee on Medical Affairs.

RECOMMITTED

H. 4124 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF PHARMACY, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4822, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was recommitted to Committee on Medical Affairs.

RECOMMITTED

H. 4365 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4841, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was recommitted to Committee on Medical Affairs.

RECOMMITTED

H. 4370 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING CRISIS STABILIZATION UNIT FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4809, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was recommitted to Committee on Medical Affairs.

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CARRIED OVER

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

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

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

MADE SPECIAL ORDER

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

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

Senator MASSEY moved that the Bill be made a Special Order.

Senator MASSEY explained the Bill and argued in favor of the motion.

Senator MARTIN argued in opposition of the motion.

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Motion Adopted

Senator MALLOY asked unanimous consent to allow an additional five minutes for those who wish to speak in opposition of the motion.

There was no objection.

Senator FANNING argued in opposition of the motion.

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

Ayes 40; Nays 4

AYES

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

Total--40

NAYS

Corbin	Fanning	Martin
McLeod		

Total--4

The Bill was made a Special Order.

MOTION ADOPTED

At 12:53 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

Motion Adopted

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

ADJOURNMENT

At 1:03 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:00 P.M.

* * *

Wednesday, January 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 40:31

In the words of Isaiah we read, "those who wait upon the Lord shall renew their strength, they shall mount up with wings like eagles, they shall walk and not faint."

Let us pray. Gracious and loving God, we gather here this day not by accident, not by chance, and not for our own glory, but rather to serve You and the people of this beautiful State. Your divine guidance and Your divine blessing is what we seek in this awesome task. As we begin 2020, we pray that You, O God, will empower these Senators and renew their strength that they may walk and not be weary -- that they may trust in You with all their heart and that You will make their paths straight... that in the end You might say, "Well done, good and faithful servant!" In Your holy name we pray, Amen.

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

Point of Quorum

At 12:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Grooms
Harpootlian	Hembree	Hutto
Johnson	Leatherman	Malloy
Martin	Massey	Nicholson

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Peeler	Rice	Sabb
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator McLEOD introduced Dr. Michael Finch of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 12:37 P.M., Senator CROMER requested a leave of absence for Senator CAMPSER for today.

Leave of Absence

At 1:11 P.M., Senator HARPOOTLIAN requested a leave of absence for Thursday, January 16, 2020.

Leave of Absence

At 3:16 P.M., Senator GOLDFINCH requested a leave of absence from 3:30 P.M. - 5:30 P.M. today.

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator NICHOLSON rose for an Expression of Personal Interest.

Remarks by Senator NICHOLSON

Thank you, Mr. PRESIDENT, and ladies and gentlemen of the Senate. I rise before you today to think about this day, January 15, 2020. That's the birthday of a very important American, Dr. Martin Luther King. If Dr. King were living, he would be 91 years old today. We think about the many contributions he made in fighting injustice here in our country and through out the entire world. Although his life was taken in April, of 1968, the dreamer was killed but the dream lives on.

I know of the contributions that he and others made fighting injustice during the 60's. I grew up in the 60's and a lot of you weren't born during that time, so you don't know the conditions that our country went through and other countries during those turbulent years; such as how Dr. King fought for injustice because he always said, "Injustice anywhere is a

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threat to justice everywhere.” So, although the dreamer was killed in April of 1968, the dream lives on, and it's up to us as individuals, each and every individual, to do everything we can to continue to fight against injustices. You know, I often think about if it had not been for Dr. King and others during the civil rights fight, I wouldn't be in the position I am today. I know definitely growing up, the way things were in the 60's with Jim Crow laws and segregation -- things just don't happen -- changes just don't occur. The only changes that occur are environmental changes that occur naturally, but when we think about changes for individuals, it comes at a cost. That's what Dr. King and others were fighting for -- changes that would affect all individuals.

You know, we think about Dr. King's legacy and what he did. I think about how I want my legacy to be remembered. I want my legacy to be remembered by the content of my mind not by the color of my skin. We want that to be for all of us -- the content of our mind not the color of our skin. So, when I think about it, my legacy is more important than my resume. What people think of you determines your legacy, but what you think about yourself is your resume, so that is important.

I rise to make you think about the life of the late Dr. Martin Luther King, and to tell you it's very special to me. Dr. King's mentor was a man by the name of Dr. Benjamin Mays, and Dr. Benjamin Mays was born in Greenwood, South Carolina. Dr. Mays always said, “It's not where you come from, it's where you're going.” Just think about the life of the late Dr. Benjamin Mays. Thank you, Mr. PRESIDENT.

On motion of Senator JOHNSON, with unanimous consent, the remarks of Senator NICHOLSON, were ordered printed in the Journal.

CO-SPONSORS ADDED

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

S. 577 Sen. M.B. Matthews
S. 941 Sen. Sheheen

RECALLED AND READ THE SECOND TIME

S. 996 -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND THE SCREENING FOR CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO PROVIDE FOR ADVERTISEMENT FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD AND FOR CERTAIN PROCESS REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020 THROUGH NOON ON

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FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER; AND TO PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS MAY BE RELEASED.

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

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

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

There was no objection.

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

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

RECALLED

H. 4509 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BERMUDA ROAD IN DILLON COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 9 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41 "DAN GRIMSLEY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG BERMUDA ROAD CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1005 -- Senator Jackson: A SENATE RESOLUTION TO HONOR DR. DORIS MASSEY WORKS ON THE OCCASION OF HER RECENT RETIREMENT, TO EXTEND DEEP APPRECIATION FOR

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HER MANY YEARS OF DISTINGUISHED SERVICE AS AN EDUCATOR, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 1006 -- Senator Campsen: A BILL TO AMEND CHAPTER 5, TITLE 38 OF THE 1976 CODE, RELATING TO THE AUTHORITY AND REQUIREMENTS TO TRANSACT BUSINESS, BY ADDING SECTION 38-5-25, TO PROVIDE THAT A HEALTH CARE SHARING MINISTRY IS NOT CONSIDERED TO BE ENGAGING IN THE BUSINESS OF INSURANCE AND NOT SUBJECT TO REGULATION BY THE DEPARTMENT OF INSURANCE, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1007 -- Senators Talley and Campbell: A BILL TO AMEND SUBARTICLE 15, ARTICLE 3, CHAPTER 6, TITLE 61 OF THE 1976 CODE, RELATING TO THE REGULATION OF RETAIL DEALERS BY THE ALCOHOLIC BEVERAGE CONTROL ACT, AND SUBARTICLE 1, ARTICLE 5, CHAPTER 6, TITLE 61 OF THE 1976 CODE, RELATING TO BIENNIAL LICENSES AND LICENSEES FOR THE SALE OF ALCOHOLIC LIQUORS, BY ADDING SECTION 61-6-1545 AND SECTION 61-6-1615, TO PROVIDE THAT RETAIL DEALERS OF ALCOHOL AND BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC LIQUORS BY THE DRINK LOCATED IN PASSENGER TERMINAL FACILITIES AT COMMERCIAL SERVICE AIRPORTS ARE EXEMPT FROM RESTRICTIONS ON HOURS OF OPERATION AND THE SALE OF NONALCOHOLIC MERCHANDISE; AND TO AMEND CHAPTER 9, TITLE 55 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA AIRPORTS ACT, BY ADDING SECTION 55-9-370, TO PROVIDE THAT COMMERCIAL SERVICE AIRPORTS ARE REQUIRED TO ESTABLISH HOURS OF OPERATION FOR RETAIL DEALERS OF ALCOHOL AND BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC LIQUORS BY THE DRINK.

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

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S. 1008 -- Senator Malloy: A BILL TO AMEND SECTION 15-3-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTE OF LIMITATIONS FOR AN ACTION TO RECOVER DAMAGES FOR AN INJURY ARISING OUT OF AN ACT OF SEXUAL ASSAULT, SEXUAL ABUSE, OR INCEST, SO AS TO RAISE THE AGE AND INCREASE THE TIME PERIOD DURING WHICH A PERSON MUST COMMENCE AN ACTION; TO PROVIDE THAT THE STATUTE OF LIMITATIONS IN THIS SECTION SHALL CONTROL IF THERE IS A CONFLICT BETWEEN THE STATUTE OF LIMITATIONS AND ANY OTHER STATUTE OF LIMITATIONS WHEN THE ACTION INVOLVES THE RECOVERY OF DAMAGES FOR AN INJURY ARISING OUT OF AN ACT OF SEXUAL ASSAULT, SEXUAL ABUSE, OR INCEST; AND TO PROVIDE THAT AN ACTION THAT WOULD OTHERWISE BE TIME-BARRLED BEFORE THE EFFECTIVE DATE OF THIS ACT, MAY BE COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT; AND TO AMEND SECTION 15-78-110, SO AS TO PROVIDE FOR AN EXCEPTION TO THE TWO-YEAR STATUTE OF LIMITATIONS FOR ACTIONS RELATING TO TORT CLAIMS AGAINST THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

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Senator MALLOY spoke on the Bill.

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

S. 1009 -- Senator Harpootlian: A BILL TO AMEND SECTION 33-41-1110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION FOR LIMITED LIABILITY PARTNERSHIPS, SO AS TO APPOINT THE SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS.

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

S. 1010 -- Senators Young, Massey and Setzler: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR

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TECHNICAL EDUCATION, TO ADD TWO NON-VOTING MEMBERS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1011 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE THE GOALS OF CATHOLIC SCHOOLS WEEK AND TO HONOR THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN SOUTH CAROLINA.

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

S. 1012 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA SYSTEM FOR ITS MANY AND SIGNIFICANT CONTRIBUTIONS TO THE EDUCATION AND CULTURE OF OUR CITIZENS AND TO DECLARE JANUARY 29, 2020, AS "CAROLINA DAY" AT THE STATE HOUSE.

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

S. 1013 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DEPUTY JACK LEE OF THE HORRY COUNTY SHERIFF'S OFFICE, WHO DISPLAYED EXCEPTIONAL COURAGE IN THE FACE OF DANGER WHILE IN THE LINE OF DUTY, AND TO CONGRATULATE HIM UPON RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR AWARD.

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The Senate Resolution was adopted.

S. 1014 -- Senator Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-255 SO AS TO REQUIRE EACH HOSPITAL OR HOSPITAL SYSTEM LICENSED OR APPLYING FOR LICENSURE IN THE STATE OF SOUTH CAROLINA TO DEVELOP A STRATEGIC PLAN TO ENSURE THAT UNDERSERVED POPULATIONS HAVE MEANINGFUL ACCESS TO HEALTH CARE IN THE EVENT OF A MERGER, ACQUISITION, OR OTHER REORGANIZATION AND

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TO PROVIDE A REPORT TO THE GENERAL ASSEMBLY
DETAILING THE STRATEGIC PLAN, TO PROHIBIT THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
FROM ISSUING A LICENSE TO ANY HOSPITAL OR HOSPITAL
SYSTEM BEFORE THE ENTITY SUBMITS THE REQUIRED
REPORT TO THE GENERAL ASSEMBLY, AND FOR OTHER
PURPOSES.

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Senator SCOTT spoke on the Bill.

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

S. 1015 -- Senator Nicholson: A SENATE RESOLUTION TO
CELEBRATE THE NINETY SIX HIGH SCHOOL MARCHING
BAND AND BAND DIRECTORS ON AN OUTSTANDING SEASON
AND TO APPLAUD THEM ON CAPTURING THE 2019 SOUTH
CAROLINA BAND DIRECTORS ASSOCIATION CLASS A STATE
CHAMPIONSHIP.

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The Senate Resolution was adopted.

Appointments Reported

Senator SHEALY from the Committee on Family and Veterans'
Services submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina Department on Aging, with term
coterminous with Governor

Director:

Connie D. Munn, 1025 Foxridge Court, Sumter, SC 29150-1732

Received as information.

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

SECOND READING BILL

The following Bill, having been read the second time, was ordered
placed on the Third Reading Calendar:

S. 975 -- Senator Johnson: A BILL TO CONSOLIDATE
CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND EAST
CLARENDON COUNTY SCHOOL DISTRICT NO. 3 (CLARENDON

WEDNESDAY, JANUARY 15, 2020

COUNTY SCHOOL DISTRICT NO. 3) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS CLARENDON COUNTY SCHOOL DISTRICT NO. 4; TO ABOLISH CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3 ON JULY 1, 2021; TO PROVIDE THAT CLARENDON COUNTY SCHOOL DISTRICT NO. 4 MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE CLARENDON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, SIX MEMBERS MUST BE ELECTED FROM A DEFINED SINGLE-MEMBER ELECTION DISTRICT AND ONE MEMBER MUST BE ELECTED FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3; TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY SCHOOL DISTRICT NO. 4 BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY 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, CLARENDON COUNTY SCHOOL DISTRICT NO. 4 SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator JOHNSON.

READ THE SECOND TIME

S. 656 -- Senator Grooms: A BILL TO AMEND SECTION 56-5-5640 OF THE 1976 CODE, RELATING TO THE SALE OF UNCLAIMED VEHICLES AND THE DISPOSITION OF PROCEEDS, TO PROVIDE FOR THE TRANSFER OF A VEHICLE TO AN AUTOMOTIVE DISMANTLER OR RECYCLER OR SECONDARY METALS RECYCLER FOR DEMOLITION, WRECKING, OR DISMANTLING; TO AMEND SECTION 56-5-5670 OF THE 1976 CODE, RELATING TO THE DUTIES OF DEMOLISHERS AND THE DISPOSAL OF A VEHICLE TO A

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DEMOLISHER OR SECONDARY METALS RECYCLER, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-5-5945 OF THE 1976 CODE, RELATING TO THE DUTIES OF DEMOLISHERS AND THE DISPOSAL OF A VEHICLE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-19-480(A) OF THE 1976 CODE, RELATING TO THE TRANSFER AND SURRENDER OF THE CERTIFICATES, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SERIAL PLATES OF VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-3-1380 OF THE 1976 CODE, RELATING TO THE RETURN OF A REGISTRATION CARD AND LICENSE PLATES FOR A WRECKED OR DISMANTLED VEHICLE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 16-17-680(D), (E), AND (J)(1)(e) OF THE 1976 CODE, RELATING TO A SECONDARY METALS RECYCLER PERMIT TO PURCHASE NONFERROUS METALS AND A PERMIT TO TRANSPORT AND SELL NONFERROUS METALS, TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the Bill.

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

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

Ayes 41; Nays 0

AYES

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

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Shealy
Williams

Talley
Young

Verdin

Total--41

NAYS

Total--0

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

RECOMMITTED

H. 4369 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO TRANSPORTATION PROJECT PRIORITIZATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4839, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator GROOMS, the Resolution was recommitted to Committee on Transportation.

CARRIED OVER

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

On motion of Senator M.B. MATTHEWS, the Bill was carried over.

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OBJECTION

H. 3020 -- Reps. McCravy, Bennett, Burns, Chumley, B. Cox, Erickson, Gilliam, Hayes, Hiott, Huggins, Johnson, Jordan, Loftis, Long, Magnuson, Martin, Morgan, D.C. Moss, V.S. Moss, G.R. Smith, Thayer, Toole, Trantham, West, Willis, Wooten, Yow, Allison, Atkinson, Ballentine, Bannister, Bryant, Caskey, Clemmons, Collins, Elliott, Forrest, Fry, Gagnon, Herbkersman, Hixon, Hyde, Lowe, Pope, Sandifer, Simrill, G.M. Smith, Spires, White, Young, Lucas, B. Newton, Bailey, Hewitt, Crawford, Davis, W. Newton, Tallon, Taylor, Stringer and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA FETAL HEARTBEAT PROTECTION FROM ABORTION ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN AND TO PROHIBIT THE PERFORMANCE OF AN ABORTION WHEN A FETAL HEARTBEAT IS DETECTED, BOTH WITH MEDICAL EMERGENCY EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44-41-460, RELATING TO REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; AND TO AMEND SECTION 44-41-330, RELATING TO A PREGNANT WOMAN'S RIGHT TO KNOW CERTAIN PREGNANCY INFORMATION, SO AS TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT.

Senator HUTTO objected to consideration of the Bill.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

Expression of Personal Interest

Senator MARTIN rose for an Expression of Personal Interest.

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

MOTION ADOPTED

At 1:06 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

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

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2017, and to expire June 30, 2021

3rd Congressional District:

David L. Thomas, 305 South Weston Street, Fountain Inn, SC 29644-1943 *VICE* Vicki Thompson

On motion of Senator VERDIN, the question was confirmation of David L. Thomas.

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

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Peeler	Rankin

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Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The appointment of David L. Thomas was confirmed.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2016, and to expire June 30, 2020

1st Congressional District:

Barry D. Malphrus, 6036 Vaux Road, Beaufort, SC 29906-9472 *VICE*
Eva Ravenel

On motion of Senator VERDIN, the question was confirmation of Barry D. Malphrus.

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

Ayes 43; Nays 0

AYES

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

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Turner
Young

Verdin

Williams

Total--43

NAYS

Total--0

The appointment of Barry D. Malphrus was confirmed.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

CARRIED OVER

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

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

Point of Order

Senator MALLOY raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Senator HEMBREE explained the Bill.

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Senator HEMBREE moved to carry over the Bill.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Toni Kirkland Day of West Columbia, S.C. Toni was a graduate of Brookland-Cayce High School and the University of South Carolina. She was a member of the Dance Theatre of Columbia. Toni was employed by the Gamecock Club and the University of South Carolina Athletics Department. Toni was a loving wife and devoted mother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joe Earle Berry, Jr. of Columbia, S.C. Joe earned a business administration degree and law degree from the University of South Carolina. He was in the United States Air Force before returning to Columbia to practice law. Joe's distinguished career includes serving as Special Judge, Associate Municipal Judge and he served on the Board of Commissioners on Grievances and Discipline for the S. C. Supreme Court. He was dedicated to his work with the Oliver Gospel Mission, American Red Cross and Jubilee Academy to mention a few. Joe was a long time member of Trinity Episcopal Cathedral and was an avid Gamecock fan and golfer. Joe was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 3:55 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, January 16, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We read in Exodus 3:11 that when God called Moses, he replied, "Who am I, that I should go to Pharaoh, and bring the Israelites out of Egypt?"

Let us pray. Many of us have felt the call of God to step into the unknown, the unfamiliar and even the undesirable. It is a call that only You O God can initiate and we feel very inadequate and unprepared to navigate this undertaking. But ultimately, we discover that You are with us, walking beside us as a friend, behind us to encourage and in front of us to lead. We step out in faith and we are sustained by God's unexpected presence and power. Often we are encouraged by those we hardly know.

Today Lord, there are many here that are struggling with important decisions. May they know that You are with them in this decision and on every step of this journey and will lead them on the path that You, O Lord, have prepared for them.

Grant to them the strength, the faith and the will to follow Your lead. In Your holy name we pray, Amen.

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

Point of Quorum

At 11:03 A.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was present.

Doctor of the Day

Senator SENN introduced Dr. James McCoy of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 11:06 A.M., Senator CROMER requested a leave of absence for Senator CAMPSER for the day.

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Leave of Absence

At 12:38 P.M., Senator GROOMS requested a leave of absence for Senator CAMPBELL for the day.

CO-SPONSOR ADDED

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

S. 885 Sen. McElveen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1016 -- Senator Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-7-25 SO AS TO PROVIDE THAT NO MORE THAN THREE UNRELATED ADULT PERSONS MAY LIVE IN A SINGLE-FAMILY RESIDENCE, TO PROVIDE EXCEPTIONS, TO DEFINE CERTAIN TERMS, AND TO PROVIDE CIVIL PENALTIES FOR VIOLATION.

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Senator SCOTT spoke on the Bill.

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

S. 1017 -- Senators Shealy and Alexander: A BILL TO AMEND SECTION 43-26-90 OF THE 1976 CODE, RELATING TO BUILDINGS NOT SUBJECT TO CERTAIN PROVISIONS CONCERNING THE OPERATION OF VENDING FACILITIES BY BLIND PERSONS, TO INCLUDE LOCAL DETENTION FACILITIES.

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

S. 1018 -- Senators Malloy, Hutto, Gregory, Shealy and Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, 1976, TO ENACT THE "SOUTH CAROLINA JUVENILE JUSTICE REFORM ACT OF 2020", TO AMEND SECTION 63-1-20, RELATING TO THE CHILDREN'S POLICY OF SOUTH CAROLINA, TO INCLUDE WITHIN THE STATEMENT A PROVISION TO ESTABLISH A POLICY REGARDING THE CARE AND GUIDANCE OF CHILDREN WITHIN THE JUVENILE JUSTICE SYSTEM; TO AMEND CHAPTER 19, TITLE 63,

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RELATING TO THE JUVENILE JUSTICE CODE, BY ADDING ARTICLE 6 TO REQUIRE EACH CIRCUIT SOLICITOR TO ESTABLISH A JUVENILE OFFENDER CIVIL CITATION PROGRAM TO PROVIDE A CIVIL DIVERSION PROGRAM FOR CHILDREN WHO HAVE COMMITTED ACTS OF DELINQUENCY, AND TO ESTABLISH ELIGIBILITY AND PARTICIPATION REQUIREMENTS; TO AMEND SECTION 16-17-425, RELATING TO UNLAWFUL STUDENT THREATS, TO ESTABLISH THAT IT IS UNLAWFUL FOR A STUDENT TO MAKE A THREAT TO COMMIT AN ACT OF MASS VIOLENCE AT A SCHOOL, COLLEGE, OR UNIVERSITY, OR AT A SCHOOL-, COLLEGE-, OR UNIVERSITY-SPONSORED ACTIVITY, AND TO PROVIDE PENALTIES; TO AMEND SECTION 16-23-430, RELATING TO POSSESSION OF A WEAPON ON SCHOOL GROUNDS, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO CARRY, WHILE ON ELEMENTARY OR SECONDARY SCHOOL PROPERTY, A KNIFE, FIREARM, OR OTHER WEAPON WITH THE INTENT BY THE PERSON TO INFLICT SERIOUS BODILY INJURY OR DEATH, OR TO CARRY UPON HIS PERSON A WEAPON, DEVICE, OR OBJECT WITH THE INTENT TO INFLICT BODILY INJURY AND TO PROVIDE PENALTIES AND EXCEPTIONS; TO AMEND SECTION 23-3-430, RELATING TO THE SEX OFFENDER REGISTRY STATUTE, BY REMOVING REFERENCES TO ADJUDICATED DELINQUENCIES; TO AMEND ARTICLE 7, CHAPTER 3, TITLE 23, RELATING TO THE SEX OFFENDER REGISTRY, BY ADDING SECTION 23-3-435 TO REQUIRE THE COURT TO MAKE A FINDING TO DETERMINE IF A CHILD ADJUDICATED DELINQUENT FOR AN ELIGIBLE OFFENSE IS REQUIRED TO REGISTER AS A SEX OFFENDER OR PARTICIPATE IN ELECTRONIC MONITORING AND TO PROVIDE FOR THE CHILD THE ABILITY AT A LATER DATE TO REQUEST A HEARING TO END THE REQUIREMENTS OF REGISTERING AS A SEX OFFENDER OR PARTICIPATING IN ELECTRONIC MONITORING; TO AMEND SECTION 23-3-490, RELATING TO PUBLIC INSPECTION OF THE SEX OFFENDER REGISTRY, TO REQUIRE THAT ACCESS TO INFORMATION REGARDING A CHILD'S ADJUDICATION OF DELINQUENCY FOR A SEX OFFENDER STATUTE BE LIMITED TO VICTIMS, WITNESSES, CHILDCARE FACILITIES, OR BUSINESSES THAT PRIMARILY SERVE CHILDREN, WOMEN, OR VULNERABLE ADULTS; TO AMEND SECTION 23-3-540, RELATING TO ELECTRONIC MONITORING, TO CONFORM THE SEX

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OFFENDER STATUTE TO THE JUVENILE SECTION BY REMOVING REFERENCES TO DELINQUENCY AND THE DEPARTMENT OF JUVENILE JUSTICE; TO AMEND SECTION 63-1-40, RELATING TO THE DEFINITION OF "STATUS OFFENSE", TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM, PLAYING A PINBALL MACHINE, OR GAINING ADMISSION TO A THEATER BY FALSE IDENTIFICATION; TO AMEND SECTION 63-3-510, RELATING TO THE JURISDICTION OF THE FAMILY COURT, TO INCLUDE WITHIN THE COURT'S JURISDICTION A PETITION FOR REMOVAL FROM THE SEX OFFENDER REGISTRY IF THE ORDER ORIGINATED FROM THE FAMILY COURT; TO AMEND SECTION 63-3-520, RELATING TO THE CONCURRENT JURISDICTION OF FAMILY COURT AND MAGISTRATES COURT, TO INCREASE THE AGE OF CONCURRENT JURISDICTION FROM PERSONS UNDER SEVENTEEN YEARS OF AGE TO PERSONS UNDER EIGHTEEN YEARS OF AGE; TO AMEND SECTION 63-7-310, RELATING TO THE MANDATORY REPORTING OF CHILD ABUSE, TO REMOVE THE REQUIREMENT THAT A PERSON EMPLOYED BY A LAWYER MUST REPORT SUSPECTED ABUSE IF THE SUSPICION ARISES IN THE COURSE OF THE LEGAL REPRESENTATION; TO AMEND SECTION 63-19-20, RELATING TO THE DEFINITION OF "STATUS OFFENSE", TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM, PLAYING A PINBALL MACHINE, OR GAINING ADMISSION TO A THEATER BY FALSE IDENTIFICATION; TO AMEND CHAPTER 19, TITLE 63, BY ADDING ARTICLE 2 TO ESTABLISH THE "CHILDREN'S BILL OF RIGHTS" TO PROVIDE THAT A CHILD HAS THE RIGHT TO BE TREATED WITH BASIC HUMAN DIGNITY, TO BE PROVIDED NECESSARY CARE, MEDICAL TREATMENT, FOOD, EDUCATION, ACCESS TO FAMILY, ADVOCATES, AND LAWYERS, AND TO BE FREE FROM ABUSE, NEGLECT, AND HARASSMENT, AND TO PROVIDE FOR THE APPLICATION OF THESE RIGHTS; TO AMEND ARTICLE 1, CHAPTER 19, TITLE 63, BY ADDING SECTION 63-19-210 TO REQUIRE THAT LAW ENFORCEMENT MUST ARRANGE FOR A CHILD FIFTEEN YEARS OF AGE OR YOUNGER TO MEET WITH LEGAL COUNSEL PRIOR TO A CUSTODIAL INTERROGATION UNLESS THE OFFICER BELIEVES THAT THE INFORMATION SOUGHT IS NECESSARY TO PROTECT LIFE OR PROPERTY FROM AN IMMINENT THREAT; TO AMEND SECTION 63-19-340,

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RELATING TO THE ANNUAL REPORT BY THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE REPORT MUST INCLUDE SPECIFIC STATISTICS RELATING TO CHILDREN REFERRED TO THE DEPARTMENT, THEIR RELATED OFFENSES AND SENTENCES; TO AMEND SECTION 63-19-350, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, TO REQUIRE THE DEPARTMENT TO DEVELOP AND UTILIZE STRUCTURED DECISION-MAKING TOOLS FOR ALL KEY POINTS OF THE JUVENILE JUSTICE PROCESS; TO AMEND SECTION 63-19-360 TO REQUIRE THE CHILD EVALUATION TO BE CONDUCTED BY THE DEPARTMENT TO INCLUDE A BIOPSYCHOSOCIAL ASSESSMENT AND A DETERMINATION OF THE CHILD'S MENTAL HEALTH FUNCTIONING; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO CHILD DELINQUENCY PETITIONS, BY ADDING SECTION 63-19-362 TO REQUIRE THAT BEFORE SUBMITTING A PETITION FOR A CHILD IN ITS CUSTODY FOR A MISDEMEANOR THAT WOULD CARRY A MAXIMUM TERM OF IMPRISONMENT OF FIVE YEARS OR LESS, THE DEPARTMENT OF JUVENILE JUSTICE MUST ATTEMPT TO RESOLVE THE SITUATION THROUGH AVAILABLE ADMINISTRATIVE APPROACHES; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, BY ADDING SECTION 63-19-365 TO PROHIBIT THE USE OF SOLITARY CONFINEMENT ON A CHILD AND PROVIDE LIMITS FOR THE USE OF CORRECTIVE ROOM RESTRICTIONS UPON CHILDREN WITHIN THE CUSTODY OF THE DEPARTMENT; TO AMEND SECTION 63-19-370, RELATING TO INTERDEPARTMENTAL AGREEMENTS, TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO ESTABLISH AGREEMENTS WITH THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF EDUCATION TO PROVIDE REENTRY SERVICES FOR CHILDREN RETURNING TO SCHOOLS AND COMMUNITIES FROM THE DEPARTMENT'S CUSTODY; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63 BY ADDING SECTION 63-19-500, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, TO REQUIRE THAT THE DEPARTMENT ESTABLISH AT LEAST ONE PRE-DETENTION INTERVENTION PROGRAM IN EACH JUDICIAL CIRCUIT AND TO ESTABLISH PROGRAM REQUIREMENTS AND ELIGIBILITY; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63 BY ADDING SECTION 63-19-520 TO ESTABLISH THE JUVENILE JUSTICE IMPROVEMENT FUND, TO

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ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO DIVERT MONEYS SAVED FROM DECREASED RELIANCE ON OUT-OF-HOME PLACEMENT TO FUND COMMUNITY INTERVENTION PROGRAMS INCLUDING EDUCATIONAL, MENTAL HEALTH, AND BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 63-19-810, RELATING TO THE TAKING OF A CHILD INTO CUSTODY BY LAW ENFORCEMENT, TO REMOVE A DUPLICATIVE NOTIFICATION PROVISION BY LAW ENFORCEMENT TO SCHOOL PRINCIPALS AND TO REQUIRE THAT ANY CHILD SEVENTEEN YEARS OF AGE OR OLDER, WHO HAS BEEN TAKEN INTO CUSTODY BUT WHO HAS NOT BEEN RELEASED TO A PARENT OR GUARDIAN, MUST HAVE A BOND HEARING BEFORE A MAGISTRATE; TO AMEND SECTION 63-19-820, RELATING TO THE PRE-TRIAL DETENTION OF CHILDREN, TO LIMIT SECURE PRE-TRIAL DETENTION TO CIRCUMSTANCES WHERE IT IS THE LEAST RESTRICTIVE APPROPRIATE OPTION AND IF THE CHILD IS CHARGED WITH A CRIME THAT WOULD BE A FIVE-YEAR FELONY OR GREATER, HAS EXHAUSTED COMMUNITY-BASED ALTERNATIVES, OR IS CHARGED WITH UNLAWFUL STUDENT THREATS OR FAILURE TO STOP FOR A BLUE LIGHT, TO REMOVE THE ELIGIBILITY OF JUVENILES CHARGED AS AN ADULT TO BE HOUSED IN ADULT DETENTION FACILITIES, AND TO PROHIBIT THE SECURE DETENTION OF STATUS OFFENDERS; TO AMEND SECTION 63-19-830, RELATING TO JUVENILE DETENTION HEARINGS, TO ALLOW THE COURT TO ORDER A CHILD DETAINED IN AN APPROVED HOME, PROGRAM, OR FACILITY OTHER THAN A SECURE JUVENILE DETENTION FACILITY WHILE AWAITING TRIAL; TO AMEND SECTION 63-19-1010, RELATING TO JUVENILE INTAKE AND PROBATION, TO REQUIRE THAT A CHILD BROUGHT BEFORE THE FAMILY COURT SHALL HAVE A PRESUMPTION FOR DIVERSION IF CERTAIN CONDITIONS ARE MET OR IF THE SOLICITOR HAS GOOD CAUSE TO BELIEVE THAT DIVERSION WOULD BE INSUFFICIENT; TO AMEND SECTION 63-19-1020, RELATING TO THE INSTITUTION OF PROCEEDINGS FOR A JUVENILE, TO REQUIRE SERVICES TO BE OFFERED BEFORE THE DEPARTMENT MAY ACCEPT A REFERRAL FOR A STATUS OFFENSE OR FOR SCHOOL-BASED OFFENSES; TO AMEND SECTION 63-19-1030, RELATING TO JUVENILE PREHEARING INQUIRIES, TO ESTABLISH THAT THE PREHEARING INVESTIGATION IS OPTIONAL AND TO ESTABLISH THE

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PARENTS' RIGHT TO RECEIVE NOTICE OF THE CHARGES AND THEIR RIGHTS TO AN ATTORNEY IN EVERY CASE UPON SERVICE OF A PETITION; TO AMEND ARTICLE 9, CHAPTER 19, TITLE 63, RELATING TO INTAKE AND INITIATION OF PROCEEDINGS, BY ADDING SECTION 63-19-1050 TO PROHIBIT THE CHARGING A FEE TO A CHILD AS A CONDITION OF DIVERSION AND TO LIMIT THE AMOUNT OF RESTITUTION REQUIRED OF A CHILD IN DIVERSION TO FIVE HUNDRED DOLLARS; TO AMEND ARTICLE 9, CHAPTER 19, TITLE 63, BY ADDING SECTION 63-19-1070 TO ESTABLISH THAT THE FAMILY COURT MAY ADJOURN A CRIMINAL PROCEEDING AGAINST A JUVENILE IN CONTEMPLATION OF DISMISSAL UPON COMPLETION OF CERTAIN CONDITIONS ESTABLISHED BY THE COURT, AND TO ESTABLISH ELIGIBILITY AND PARTICIPATION REQUIREMENTS; TO AMEND SECTION 63-19-1210, RELATING TO THE TRANSFER OF JURISDICTION, TO ELIMINATE THE TRANSFER TO GENERAL SESSIONS FOR A CHILD FOURTEEN OR FIFTEEN YEARS OF AGE, TO ALLOW A CHILD WHO IS TRANSFERRED TO GENERAL SESSIONS WHO HAS BEEN CHARGED WITH MURDER TO BE ELIGIBLE TO RECEIVE A SENTENCE LESS THAN THE MANDATORY MINIMUM, AND TO ALLOW THE DETERMINATION BY THE COURT TO TRANSFER THE CHILD'S CASE TO GENERAL SESSIONS TO BE IMMEDIATELY APPEALABLE TO THE SUPREME COURT; TO AMEND SECTION 63-19-1410, RELATING TO THE ADJUDICATION OF DELINQUENCY, TO REQUIRE THE COURT TO ORDER THE LEAST RESTRICTIVE APPROPRIATE PLACEMENT FOR A CHILD ADJUDICATED DELINQUENT, TO LIMIT THE LENGTH OF PROBATION TO TWO YEARS FOR A FELONY OR ONE YEAR FOR A MISDEMEANOR OR STATUS OFFENSE UNLESS THE CHILD IS IN VIOLATION OF PROBATION, THERE IS AGREEMENT AMONGST THE PARTIES, OR THE CHILD IS PARTICIPATING IN A EVIDENCED-BASED PROGRAM THAT IS LONGER THAN THE ALLOWED TERM, TO LIMIT PROBATION TO NOT EXTEND AFTER A CHILD'S TWENTIETH BIRTHDAY, TO LIMIT THE IMPOSITION OF RESTITUTION FOR A CHILD UNDER THE AGE OF SIXTEEN UNLESS IT IS PROVEN THAT THE CHILD HAS THE ABILITY TO PAY, TO PROHIBIT THE CHILD FROM BEING ORDERED TO PAY FOR DRUG SCREENS UNLESS THE CHILD HAS INSURANCE TO COVER THE COST, AND TO ALLOW FOR THE DEPARTMENT OF JUVENILE JUSTICE TO PLACE THE CHILD

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ON ADMINISTRATIVE SUPERVISION FOR UP TO ONE YEAR TO PAY FOR RESTITUTION OR COMPLETE COMMUNITY SERVICE; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 63, RELATING TO THE DISPOSITIONAL POWERS OF THE FAMILY COURT, BY ADDING SECTION 63-19-1415 TO ALLOW THE CIRCUIT SOLICITORS TO OPERATE ONE OR MORE SPECIALTY TREATMENT COURTS IF ALLOWED BY THE SUPREME COURT; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A JUVENILE FOUND DELINQUENT BY THE COURT, TO LIMIT THE PLACEMENT OF A CHILD INTO THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE UNLESS THE CHILD COMMITS CERTAIN FELONIES, THE OFFENSE INVOLVES FIREARMS, THE CHILD HAS A RECORD OF CERTAIN OFFENSES, THE CHILD IS ADJUDICATED FOR A LESSER OFFENSE THAT WOULD HAVE BEEN A FELONY AND THE PARTIES AGREE THAT COMMITMENT IS IN THE BEST INTERESTS OF THE CHILD, TO REQUIRE THE COURT TO ISSUE INDIVIDUALIZED FINDINGS AS TO WHY THE COMMITMENT IS THE LEAST RESTRICTIVE SENTENCING OPTION TO PROTECT THE PUBLIC AND REHABILITATE THE CHILD, TO PROHIBIT THE COMMITMENT OF A CHILD WHO HAS BEEN ADJUDICATED FOR A STATUS OFFENSE OR A PROBATION REVOCATION RELATED TO A STATUS OFFENSE, TO ALLOW THE COURT TO SENTENCE A CHILD WHO HAS COMMITTED AN OFFENSE WHICH CARRIES FIFTEEN YEARS OR MORE TO A DETERMINATE SENTENCE OF UP TO ONE HUNDRED EIGHTY DAYS, AND TO LIMIT THE CONSECUTIVE SENTENCING TO NOT EXCEED THE TIME ELIGIBLE FOR AN INDETERMINATE SENTENCE, TO LIMIT THE ELIGIBILITY FOR RESIDENTIAL EVALUATIONS, AND TO ALLOW FOR THE CHILD TO GET TIME SERVED CREDIT FOR COMMITMENTS TO SHORT-TERM ALTERNATIVE PLACEMENTS; TO AMEND SECTION 63-19-1450 TO CLARIFY THAT A CHILD MAY NOT BE COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE WHO IS HANDICAPPED BY MENTAL ILLNESS OR A DEVELOPMENTAL DISABILITY AND TO PROVIDE THAT THE COURT MAY ORDER AN EVALUATION AND HOLD A HEARING REGARDING WHETHER THE CHILD MUST BE COMMITTED TO THE SUPERVISION OF THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 63, RELATING TO THE POWERS OF THE FAMILY COURT, BY

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ADDING SECTION 63-19-1480 TO PROVIDE THAT THE FAMILY COURT MAY CONDUCT POST-DISPOSITIONAL REVIEWS TO DETERMINE IF THE PURPOSES OF THE CRIMINAL SENTENCING HAVE BEEN MET AND THE CHILD'S SENTENCE MAY BE CLOSED, THE HEARING BEING HELD ONLY AFTER ONE YEAR OR IF THE CHILD IS IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, THEN AFTER SIX MONTHS; TO AMEND SECTION 63-19-1810, RELATING TO PAROLE AND AFTERCARE, TO REMOVE THE AUTHORITY OF THE COURT TO COMMIT A CHILD TO SECURE CUSTODY FOR A PROBATION REVOCATION IF THE CHILD IS ON PROBATION FOR A STATUS OFFENSE; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, TO REQUIRE THE RELEASING ENTITY TO DETERMINE THE LENGTH OF STAY GUIDELINES ARE BASED ON EVIDENCE-BASED BEST PRACTICES, THE RISKS OF REOFFENDING AND THE SEVERITY OF THE OFFENSE; TO AMEND 63-19-1835, RELATING TO COMPLIANCE REDUCTIONS FOR PROBATIONERS AND PAROLEES, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO DEVELOP AND IMPLEMENT ADMINISTRATIVE COMMUNITY-BASED SANCTIONS FOR TECHNICAL VIOLATIONS OF PROBATION OR PAROLE; TO AMEND SECTION 63-19-2020, RELATING TO THE CONFIDENTIALITY OF JUVENILE RECORDS, TO REMOVE A REFERENCE TO A DELETED CRIMINAL OFFENSE, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO NOTIFY THE ADMINISTRATION OF A COLLEGE OR UNIVERSITY OF AN ENROLLED STUDENT'S CHARGES DELINEATED WITHIN THIS SECTION, AND TO ADD ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES TO THE LIST OF CRIMES THAT MUST BE DISCLOSED TO SCHOOL OFFICIALS; TO AMEND SECTION 63-19-2030, RELATING TO THE JUVENILE LAW ENFORCEMENT RECORDS, TO REQUIRE LAW ENFORCEMENT TO PROVIDE CERTAIN INCIDENT REPORTS OF STUDENTS TO APPROPRIATE COLLEGE AND UNIVERSITY ADMINISTRATION, TO REMOVE THE REFERENCE TO ASSAULT AND BATTERY AGAINST SCHOOL PERSONNEL AND ADD THAT REPORTS OF ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES MUST BE REPORTED, TO REQUIRE ANY SUCH NOTICE TO INCLUDE LANGUAGE THAT THE CHILD IS INNOCENT UNTIL PROVEN GUILTY, AND TO REQUIRE LAW ENFORCEMENT TO PROVIDE SUBSEQUENT

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UPDATES OF ANY DISMISSAL OR REDUCTION OF THE CHARGES; TO AMEND SECTION 63-19-2050, RELATING TO THE EXPUNGEMENT OF JUVENILE RECORDS, TO REQUIRE THE EXPUNGEMENT OF ALL OFFICIAL RECORDS RELATED TO THE ADJUDICATION OR DISPOSITION OF A STATUS OFFENSE UPON THE PERSON REACHING EIGHTEEN YEARS OF AGE OR AS SOON THEREAFTER AS HE COMPLETES ANY PENDING FAMILY COURT DISPOSITION AND TO REQUIRE THAT A CHILD SHALL NOT BE CHARGED FOR THE EXPUNGEMENT OF HIS RECORDS ORDERED UNDER THIS SECTION; TO AMEND ARTICLE 19, CHAPTER 18, TITLE 59, BY ADDING SECTION 59-18-1970, TO REQUIRE THAT A SCHOOL DISTRICT FOR A STUDENT WHO HAS TRANSFERRED BECAUSE OF HOMELESSNESS, STATUS AS A VICTIM OF ABUSE OR NEGLECT, ADJUDICATIONS OF DELINQUENCY, OR PLACEMENT IN A FACILITY FOR MENTAL HEALTH OR DEVELOPMENTAL DISABILITIES MUST CONTACT THE STUDENT'S PRIOR SCHOOL WITHIN TWO DAYS OF ENROLLMENT AND TO REQUIRE THE PREVIOUS SCHOOL DISTRICT TO SEND THE STUDENT'S RECORDS WITHIN TWO DAYS OF REQUEST TO THE NEW SCHOOL, AND TO REQUIRE THAT THE STUDENT RECEIVE TIMELY ASSISTANCE, EQUAL ACCESS, AND PRIORITY PLACEMENT RELATING TO THE TRANSFER; TO AMEND ARTICLE 19, CHAPTER 18, TITLE 59, BY ADDING SECTION 59-19-1980, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE SCHOOL LIAISONS TO ASSIST STUDENTS TRANSFERRING DUE TO INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM; TO AMEND SECTION 59-24-60, RELATING TO THE REQUIREMENT OF SCHOOL OFFICIALS TO CONTACT LAW ENFORCEMENT, TO PROVIDE THAT SCHOOL OFFICIALS MUST CONTACT LAW ENFORCEMENT IF A PERSON COMMITS AN ACTION AT A SCHOOL OR SCHOOL SPONSORED EVENT THAT WOULD BE A FELONY OR A CRIME PUNISHABLE BY FIVE YEARS OR MORE, OR IF THE ACTION RESULTS IN SERIOUS INJURY; TO AMEND SECTION 59-63-210, RELATING TO SCHOOL DISCIPLINE, TO LIMIT THE AUTHORITY OF A SCHOOL DISTRICT TO EXPEL, SUSPEND, OR TRANSFER A PUPIL UNLESS HE COMMITS A FELONY, A CRIME THAT WOULD CARRY A MAXIMUM PUNISHMENT OF FIVE YEARS OR MORE IF COMMITTED BY AN ADULT, THERE IS A THREAT OF VIOLENCE, OR IF THERE IS A VICTIM AT THE SCHOOL WHO HAS A REASONABLE FEAR FOR HIS SAFETY,

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AND TO LIMIT THE AUTHORITY OF THE SCHOOL DISTRICT IF THE CONDUCT COMMITTED BY THE STUDENT OCCURRED OUTSIDE OF SCHOOL, THEN THE ACTION BY THE SCHOOL DISTRICT MUST ONLY OCCUR IF THE STUDENT'S CONDUCT AMOUNTED TO A VIOLENT OFFENSE OR RESULTED IN MODERATE OR GREAT BODILY INJURY; TO AMEND SECTION 59-63-1320, RELATING TO ALTERNATIVE SCHOOLS, TO RESTRICT THE AUTOMATIC PLACEMENT OF A CHILD RETURNING FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE TO AN ALTERNATIVE SCHOOL UNLESS THE PARENT OR GUARDIAN AND CHILD AGREE THAT SUCH PLACEMENT IS APPROPRIATE, THERE IS AN INTERVENTION ASSESSMENT THAT DETERMINES THAT THERE IS AN IMMINENT THREAT OR THE LIKELIHOOD OF SERIOUS MISCONDUCT, OR THERE IS A HEARING BY THE DISTRICT WITHIN TEN DAYS, OR IF THE CHILD HAS A DISABILITY UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT THEN THE DISTRICT MUST HOLD A TEAM MEETING TO DETERMINE THE MOST APPROPRIATE EDUCATIONAL PLACEMENT; AND TO REPEAL SECTIONS 63-19-2420 AND 63-19-2430 RELATING TO THE OFFENSES OF UNLAWFUL LOITERING IN A BILLIARD ROOM AND THE UNLAWFUL PLAYING OF PINBALL.

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Senators MALLOY, HUTTO and SHEALY spoke on the Bill.

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

H. 4924 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 22, 2020, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

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

H. 4930 -- Reps. Jefferson, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell,

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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, 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 RECOGNIZE AND HONOR DR. LEO TWIGGS, PROFESSOR EMERITUS AT SOUTH CAROLINA STATE UNIVERSITY AND DISTINGUISHED ARTIST IN RESIDENCE AT CLAFLIN UNIVERSITY, FOR A LIFETIME OF CELEBRATED ART AND NOTABLE CONTRIBUTIONS TO THE ARTS IN THE PALMETTO STATE AND ABROAD.

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

H. 4931 -- Rep. G. R. Smith: A CONCURRENT RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS STUDENT GOVERNMENT FALL CONFERENCE AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE, AND THE RESPECTIVE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

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

H. 4933 -- Rep. G. R. Smith: A CONCURRENT RESOLUTION TO CALL UPON THE NATIONAL CONFERENCE OF STATE LEGISLATURES, THE COUNCIL OF STATE GOVERNMENTS, AND THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL TO COORDINATE IN THE CREATION OF A NATIONAL FEDERALISM TASK FORCE FOR THE PURPOSE OF CONVENING A SERIES OF FEDERALISM SUMMITS FOCUSED

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ON RESTORING AND MAINTAINING CLEARLY DISCERNIBLE DIVISIONS IN THE ROLES AND RESPONSIBILITIES OF THE NATIONAL GOVERNMENT AND THE STATES.

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

RECALLED AND ADOPTED

H. 4934 -- Reps. G. M. Smith, Rutherford and Murphy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND

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THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

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

Senator YOUNG asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Operations and Management.

The Concurrent Resolution was recalled from the Committee on Operations and Management.

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

There was no objection.

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

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

H. 4935 -- Rep. Howard: A CONCURRENT RESOLUTION TO CONGRATULATE DR. ROBIN L. COLETRAIN, PRINCIPAL OF W.A. PERRY MIDDLE SCHOOL IN RICHLAND COUNTY SCHOOL DISTRICT ONE, ON BEING NAMED 2020 SOUTH CAROLINA MIDDLE LEVEL PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

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

REPORTS OF STANDING COMMITTEE

Senator PEELER from the Committee on Operations and Management polled out S. 864 favorable:

S. 864 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, FEBRUARY 5, 2020, AT NOON AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, AT LARGE, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, AT LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT TWO MEMBERS TO THE COMMISSION OF THE OLD EXCHANGE BUILDING, AT LARGE, WHOSE TERMS WILL EXPIRE JUNE 30, 2024; AND TO ELECT, PURSUANT TO SECTION 2-15-10, FROM AMONG THE CANDIDATES NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL NOMINATING COMMITTEE PURSUANT TO SECTION 2-15-20, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, AT LARGE, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ATTORNEY SEAT, AND ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ACCOUNTANT SEAT, ALL OF WHOSE TERMS WILL EXPIRE JUNE 30, 2025.

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Poll of the Operations and Management Committee

Polled 9; Ayes 8; Nays 0; Not Voting 1

AYES

Peeler	Leatherman	Setzler
Rankin	Malloy	Massey
Shealy	Turner	

Total--8

NAYS

Total--0

NOT VOTING

Reese

Total--1

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Operations and Management polled out S. 999 favorable:

S. 999 -- Senators Rankin, Young and Sabb: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT,

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FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

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**Poll of the Operations and Management Committee
Polled 9; Ayes 8; Nays 0; Not Voting 1**

AYES

Peeler	Leatherman	Setzler
Rankin	Malloy	Massey
Shealy	Turner	

Total--8

NAYS

Total--0

NOT VOTING

Reese

Total--1

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Operations and Management polled out S. 1001 favorable:

S. 1001 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, JAMES W. OXFORD, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 4, 2020.

**Poll of the Operations and Management Committee
Polled 9; Ayes 7; Nays 0; Not Voting 2**

AYES

Peeler	Leatherman	Setzler
Rankin	Malloy	Shealy
Turner		

Total--7

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NAYS

Total--0

NOT VOTING

Massey

Reese

Total--2

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., January 16, 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. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., January 16, 2020

Mr. President and Senators:

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

H. 3174 -- Reps. Elliott, Tallon, G.R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon: A BILL TO AMEND SECTION 56-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "ELECTRIC-ASSIST BICYCLES" AND "BICYCLES WITH HELPER MOTORS"; AND BY ADDING

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SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLISTS OPERATING ELECTRIC-ASSIST BICYCLES SHALL BE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., January 16, 2020

Mr. President and Senators:

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

H. 4244 -- Rep. Sandifer: A BILL TO AMEND SECTION 38-78-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF "SERVICE CONTRACT" AND "WARRANTY" AND TO DEFINE THE TERMS "ROAD HAZARD", "THEFT PROTECTION PROGRAM", AND "THEFT PROTECTION PROGRAM WARRANTY"; TO AMEND SECTION 38-78-30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 38-78-50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 969 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIAM FRICK OF WINNSBORO FOR HIS OUTSTANDING SERVICE AND TO CONGRATULATE HIM ON RECEIVING THE 2019 SOUTH CAROLINA PUBLIC DEFENDER OF THE YEAR AWARD.

Returned with concurrence.

Received as information.

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

**READ THE THIRD TIME
SENT TO HOUSE**

S. 975 -- Senator Johnson: A BILL TO CONSOLIDATE CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND EAST CLARENDON COUNTY SCHOOL DISTRICT NO. 3 (CLARENDON COUNTY SCHOOL DISTRICT NO. 3) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS CLARENDON COUNTY SCHOOL DISTRICT NO. 4; TO ABOLISH CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3 ON JULY 1, 2021; TO PROVIDE THAT CLARENDON COUNTY SCHOOL DISTRICT NO. 4 MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE CLARENDON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, SIX MEMBERS MUST BE ELECTED FROM A DEFINED SINGLE-MEMBER ELECTION DISTRICT AND ONE MEMBER MUST BE ELECTED FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3; TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY SCHOOL DISTRICT NO. 4 BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY 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, CLARENDON COUNTY SCHOOL DISTRICT NO. 4 SHALL HAVE TOTAL FISCAL AUTONOMY.

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S. 656 -- Senator Grooms: A BILL TO AMEND SECTION 56-5-5640 OF THE 1976 CODE, RELATING TO THE SALE OF UNCLAIMED VEHICLES AND THE DISPOSITION OF PROCEEDS, TO PROVIDE FOR THE TRANSFER OF A VEHICLE TO AN AUTOMOTIVE DISMANTLER OR RECYCLER OR SECONDARY METALS RECYCLER FOR DEMOLITION, WRECKING, OR DISMANTLING; TO AMEND SECTION 56-5-5670 OF THE 1976 CODE, RELATING TO THE DUTIES OF DEMOLISHERS AND THE DISPOSAL OF A VEHICLE TO A DEMOLISHER OR SECONDARY METALS RECYCLER, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-5-5945 OF THE 1976 CODE, RELATING TO THE DUTIES OF DEMOLISHERS AND THE DISPOSAL OF A VEHICLE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-19-480(A) OF THE 1976 CODE, RELATING TO THE TRANSFER AND SURRENDER OF THE CERTIFICATES, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SERIAL PLATES OF VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-3-1380 OF THE 1976 CODE, RELATING TO THE RETURN OF A REGISTRATION CARD AND LICENSE PLATES FOR A WRECKED OR DISMANTLED VEHICLE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 16-17-680(D), (E), AND (J)(1)(e) OF THE 1976 CODE, RELATING TO A SECONDARY METALS RECYCLER PERMIT TO PURCHASE NONFERROUS METALS AND A PERMIT TO TRANSPORT AND SELL NONFERROUS METALS, TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

Senator GROOMS explained the Bill.

**READ THE THIRD TIME
SENT TO HOUSE**

S. 996 -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND THE SCREENING FOR CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO PROVIDE FOR ADVERTISEMENT FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD AND FOR CERTAIN PROCESS REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020 THROUGH NOON ON FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES

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REVIEW COMMITTEE MAY CONSIDER; AND TO PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS MAY BE RELEASED.

The Senate proceeded to the consideration of the Resolution.

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

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McLeod
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The Resolution was read the third time, ordered sent to the House.

CARRIED OVER

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT

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PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

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

ADOPTED

H. 4509 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BERMUDA ROAD IN DILLON COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 9 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41 "DAN GRIMSLEY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG BERMUDA ROAD CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

At 11:21 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

COMMITTEE AMENDMENT ADOPTED, CARRIED OVER

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

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

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Senator HEMBREE explained the Bill.

The Committee on Education proposed the following amendment (419R001.SP.GH), which was adopted:

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

/SECTION 1. This act must be known and may be cited as the “South Carolina Career Opportunity and Access for All Act”.

PART I

State Board of Education

SECTION 2. A. Section 59-5-10 of the 1976 Code is amended to read:

“Section 59-5-10. (A)(1) The State Board of Education shall be composed of one member from each judicial circuit. The members shall serve terms of four years and until their successors are elected and qualify, except of those first elected, the members from the fifth, tenth and fourteenth circuits shall serve terms of one year; the members from the first, sixth, eighth and twelfth circuits shall serve terms of two years and the members from the fourth, seventh, ninth and eleventh circuits shall serve terms of three years. The terms of all members shall commence on January first following their election.

(2) The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in such call for the purpose of electing a member of the ~~Board~~ board to represent such circuit. A majority present, either in person or by written proxy, of the members of the county legislative delegations from a given circuit shall constitute a quorum for the purpose of electing a member, but no person ~~shall~~ may be declared elected who ~~shall fail~~ fails to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit shall be organized by the election of a chairman and a secretary and such joint legislative delegations shall, subject to the provisions herein, adopt such rules as they ~~deem~~ consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall forthwith issue to such person, after he has taken the usual oath of office, a certificate of election as a member of the ~~State Board of Education~~ board. The Governor shall thereupon issue a commission to such person and pending such issuance the certificate of election shall be a sufficient

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warrant to such person to perform all of the duties and functions of his office.

(3) Any vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(4) Representation of a given judicial circuit on the ~~State Board of Education board~~ shall be rotated among the counties of the circuit, except by unanimous consent of all members of the county legislative delegations from the circuit. No member shall succeed himself in office except by unanimous consent of the members of the county legislative delegations from the circuit. Members of the legislative delegation of any county entitled to a member of the ~~Board board~~ shall nominate persons for the office, one of whom shall be elected to the ~~Board board~~.

(5) The ~~Board board~~ shall select its chairman and other officers to serve for such terms as the ~~Board board~~ may designate. Provided, the Superintendent of Education shall serve as secretary and administrative officer to the ~~Board board~~. The ~~Board board~~ shall adopt its own rules and procedures. The chairman and other officers shall have such powers and duties as may be determined by the ~~Board board~~ not inconsistent with the law.

(6) At the initial meeting of the legislative delegations representing the counties of each circuit, it shall be determined by lot the sequence in which each county ~~shall be~~ is entitled to nominate persons for the office.

(B)(1) In addition to the members of the board provided in subsection (A), the board shall include three nonvoting advisory members appointed by the Governor to consist of:

(a) two public school students who shall serve a one-year term, one of whom must attend a school located in a Tier III or Tier IV county as designated in Section 12-6-3360, provided that:

(i) a member may not serve if he discontinues attending public school in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school student; and

(b) one former State Teacher of the Year who shall serve a two-year term, provided that a vacancy must be filled for the remainder of the term by another former State Teacher of the Year.

(2) A person may serve no more than two years as a nonvoting advisory member. A nonvoting advisory member may not serve as chairman of the board.

(C) In consultation with the Education and Economic Development Act Coordinating Council and the State Superintendent of Education, the board shall annually provide a comprehensive report to the Governor and

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the General Assembly before December first that specifically identifies key benchmarks within the zero-to-twenty education and workforce pipeline for measuring the progress of state agencies' and other publicly funded entities' efforts to meet those benchmarks. The board, through the State Superintendent of Education, shall provide recommendations regarding ways that state and local efforts can be improved, ways that collaboration and cooperation among state and local agencies and resources can be measurably improved, and efforts underway or being considered in other states that address the noted areas of concern. The State Superintendent of Education shall also recommend any legislation he considers necessary."

B. Section 59-5-10(C) takes effect on January 1, 2022.

PART II

Coursework, Assessments, and Reporting

SECTION 3. A. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

"Section 59-29-250. (A) At least every five years, the State Board of Education shall conduct a cyclical review of grade-appropriate standards for computer science, computational thinking, and computer coding for grades nine through twelve. Experts and officials from higher education, business, and industry must be included in the development of the standards.

(B) Each public high school and public charter high school must offer at least one computer science course that:

- (1) is rigorous and standards-based;
- (2) meets or exceeds the curriculum standards and requirements established by the State Board of Education;
- (3) meets the needs of the diverse students who will pursue postsecondary education or who will enter careers in computer and information technology upon graduation; and
- (4) is made available in a traditional classroom setting, dual enrollment course, blended learning environment, online-based format, or other technology-based format tailored to meet the needs of each participating student.

(C) The Department of Education shall:

- (1) establish qualifications for and employ staff who are responsible for coordinating and leading the South Carolina Computer Science Education Initiative;
- (2) support kindergarten through twelfth grade academic and computer science teachers in designing interdisciplinary, project-based instruction and assignments that engage students in applying literacy, math, and computational thinking skills to solve problems;

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(3) design career pathways that connect students to postsecondary programs, degrees, or credentials in high-demand career fields, including, but not limited to, cybersecurity, information systems, informatics, computer engineering, and software development as identified by the Department of Commerce;

(4) offer professional development and teacher endorsements to teachers who will teach computer science;

(5) develop criteria for postsecondary computer science teacher preparation programs, in conjunction with the State Board of Education, which shall develop guidelines creating certification pathways for computer science teachers;

(6) develop guidelines for use by school districts and schools outlining the educational and degree requirements for computer science teachers;

(7) provide information and materials that identify emerging career opportunities in computer science and related fields to parents, students, teachers, and guidance counselors; and

(8) assist districts in developing partnerships with business, industry, higher education, and communities to provide afterschool and extracurricular activities that engage students in computer science.”

B.Section 59-29-250(B) takes effect upon approval by the Governor and must be completed by August 1, 2021.

C.Section 59-29-250(C) takes effect August 1, 2021.

SECTION 4. Section 59-18-310(B)(1) of the 1976 Code is amended to read:

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

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SECTION 5. Section 59-18-320(B) of the 1976 Code is amended to read:

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

SECTION 6. Section 59-18-325(C)(3) of the 1976 Code is amended to read:

“(3) ~~Beginning with the 2017-2018 School Year, the~~ The department shall procure and administer the standards-based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards-based assessment in science to students in grades four, and six, ~~and eight, and the standards-based assessment in social studies to students in grades five and seven.~~”

SECTION 7. A. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-365. (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in reading and mathematics along a common, consistent scale that is nationally recognized and approved by the Education Oversight Committee. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is ready to learn and to help to form instruction, track growth,

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and identify appropriate resources for students. A local school district shall also provide information on Lexile and Quantile measures on interim or benchmark assessments administered by the local school district or local school during the school year.

(B) The department shall provide online and printed resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills necessary to be college and career ready. Parent resources must include information that identifies the Lexile and Quantile scores recommended for specific careers.

(C) The department shall provide resources to assist teachers in using common, consistent scale measures to improve the teaching and learning of reading and mathematics.

(D) The formative assessments adopted pursuant to Section 59-18-310(D) shall be linked to common, consistent scales in reading, mathematics, or both. Formative assessments approved pursuant to Section 59-18-310 must provide a common, consistent scale in reading, mathematics, or both.

(E)(1) In kindergarten through the second grade, local schools and districts may select assessments designed to measure students' reading and mathematical performance on common, consistent scales. Those measures should then be reported to the department and also shared with students, parents, and teachers.

(2) In the third grade through the eighth grade, the statewide summative assessment program in English/language arts and mathematics that is administered pursuant to Section 59-18-325(C)(1) must provide Lexile measures that report information on the student's reading ability and Quantile measures that indicate the student's understanding of mathematical skills and concepts at the individual student level.

(3) Assessments offered and administered at the high school level pursuant to Section 59-18-325(A) and the end-of-course assessments administered pursuant to Section 59-18-320(C) should, if available, measure students' reading ability and mathematical understanding on the same Lexile and Quantile scales. Those measures must be reported to the department and shared with students, parents, and teachers.

(F) The department and State Board for Technical and Comprehensive Education shall establish common minimum admission standards, to include high school equivalency standards, sufficient to negate the need for a student to attend or enroll in reading or mathematics remediation at the postsecondary level."

B. Section 59-18-365(A) takes effect August 1, 2021.

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C.Section 59-18-365(F) takes effect January 1, 2022.

SECTION 8. Section 59-18-1950(B)(1) of the 1976 Code is amended to read:

“(B)(1) The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall develop, implement, and maintain a universal identification system that includes, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

(a) students graduating from public high schools in the State who enter postsecondary education ~~without the need for remediation;~~

(b) students graduating from public high schools in the State who enter postsecondary education with a need for remediation;

(c) working-aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

~~(e)~~(d) high school graduates who are gainfully employed in the State within five and ten years of graduating from high school; ~~and~~

~~(d)~~(e) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.”

SECTION 9. A.Chapter 156, Title 59 of the 1976 Code is amended by adding:

“Section 59-156-250. (A) As a component of a Kindergarten Readiness Program Report, the Education Oversight Committee shall annually provide the following information, relying on data and information submitted by the Office of First Steps to School Readiness, the State Department of Education, and the Department of Social Services, at the district and the state level:

(1) the number of four-year-old children eligible for the South Carolina Child Early Reading Development and Education Program and the number of four-year-old children enrolled in, and the number funded, at the forty-fifth and one hundred thirty-fifth days of the program, provided that this information must be reported by the school district and the Office of First Steps through its four-year-old kindergarten providers and must include the number of children served by state-funded public and private providers;

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(2) kindergarten readiness assessment scores by district, differentiated by state-funded public and private four-year-old kindergarten providers, and Head Start or ABC Voucher programs;

(3) the number of four-year-old kindergarten classrooms and spaces added in each of the previous five school years by level of quality;

(4) the number of four-year-old kindergarten classrooms that are considered to be high quality, and the basis for this determination;

(5) the number of spaces available to serve four-year-old children, the number of openings available, and the number of children on a waitlist as of August first for four-year-old kindergarten in the upcoming school year; and

(6) a detailed plan for increasing the number of students served throughout the State, with an emphasis on districts in Tier III and IV counties as determined in Section 12-6-3360, and waitlist information pursuant to item (5).

(B) As reasonable and necessary, and to the extent possible, data and information for programs funded by local school districts and by the Education Improvement Act shall be provided and included in the reporting required pursuant to this section.

(C) The Education Oversight Committee shall annually submit a Kindergarten Readiness Program Summary Report to the General Assembly. If funding is provided, then a Kindergarten Readiness Comprehensive Analysis Report may be submitted at least every three years to satisfy this reporting requirement. The information pursuant to subsections (A) and (B) must be included in the annual report submitted, which shall also include year-over-year trend information.”

B. Section 59-156-250(C) takes effect January 15, 2021.

SECTION 10. A. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59-29-17. Each high school shall offer a one-half credit course in personal finance as an elective that students may use to complete graduation requirements. The curriculum for this course option as a partial graduation requirement shall incorporate competencies pursuant to Financial Literacy Instruction in Act 38 of 2005.”

B. The State Department of Education shall develop the curriculum for coursework pursuant to Section 59-29-17, as added by this SECTION, before July 1, 2021.

C. This SECTION takes effect August 1, 2021.

PART III

Read to Succeed Initiative

SECTION 11. Section 59-155-110(4) of the 1976 Code is amended to read:

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“(4) each student receives targeted, effective, ~~comprehension~~ support in reading comprehension from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade-level texts;”

SECTION 12. Section 59-155-120(5) and (10) of the 1976 Code is amended to read:

“(5) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add-on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education. An intervention must be evidence-based and follow the multi-tiered system of supports or ‘MTSS’, as defined in Section 59-33-510(3), and the Response to Intervention or ‘RTI’, as defined in Section 59-33-510(4). Reading interventionists may not be required to perform administrative functions that will confuse their role for teachers. Reading interventionists are not English for Speakers of Other Languages teachers and may not be required to provide direct instruction to English-language learners.”

“(10) ‘Substantially fails to demonstrate third-grade reading proficiency’ means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the statewide summative ~~reading~~ assessment ~~that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS) in English/language arts, qualifying the student as eligible for retention pursuant to Section 59-155-160(A).~~”

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

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

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

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SECTION 14. Section 59-155-140(B)(2)(a) of the 1976 Code is amended to read:

“(a) document the reading and writing assessment and instruction planned for all PK-12 students and the interventions in prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade-level texts. Supplemental instruction ~~shall~~ must be provided by teachers who have a literacy teacher add-on endorsement and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or ~~both through any combination of these strategies;~~”

SECTION 15. A. Section 59-155-150 (B) of the 1976 Code is amended to read:

“(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon ~~formal diagnostic assessments or through teacher observations~~ the universal screening process, as defined in Section 59-33-510(7), and, if indicated, diagnostic assessments and teacher observations, must be provided intensive in-class and supplemental reading intervention immediately upon determination. These assessments may be used to satisfy the screening requirements provided in Article 5, Chapter 33 of this title. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. ~~These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in-class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade level independently.~~ In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade-level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure that the student is on track to be reading on grade level by the end of the third grade. In addition to students enrolled in the third grade and pursuant to Section 59-155-160(C), each district must offer a summer reading camp as an intervention for any student enrolled in the first or second grade who is substantially not demonstrating proficiency in reading, based upon the universal screening process, as defined in Section 59-33-510(7), and, if indicated, diagnostic assessments and teacher observations, at no cost to

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the student. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office.”

B. Section 59-155-150 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() A district superintendent or charter school authorizer may submit a request to the department to waive the minimum one hundred eighty-day school attendance requirement for kindergarten students for the purpose of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the readiness assessment to kindergarten students during the first five days of the academic year.”

SECTION 16. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59-155-155. (A) For the purposes of this section, ‘literacy’ means the ability to read and write, and ‘numeracy’ means fluency in understanding numbers and mathematical operations.

(B)(1) The board shall approve no more than five reliable and valid early screening instruments for selection and use by school districts, pursuant to the district universal screening process, as defined in Section 59-33-510(7), in kindergarten through the third grade. At a minimum, the approved screening instruments shall include literacy and numeracy.

(2) An early literacy screening instrument must:

(a) provide screening and diagnostic capabilities for monitoring student progress in reading;

(b) at a minimum, measure phonological awareness, decoding and encoding, fluency, vocabulary, and comprehension; and

(c) identify students who have a reading deficiency, including students with characteristics of dyslexia.

(3) An early numeracy screening instrument must provide screening and diagnostic capabilities.

(4) In determining which instruments to approve, the board shall consider, at a minimum, the following factors:

(a) the amount of time that the instrument requires, with the intention of minimizing the impact on instructional time;

(b) the level of integration of results with instructional support for teachers and students;

(c) the timeliness in reporting results to teachers, administrators, and parents; and

(d) the level of integration of results with instructional support for teachers and pupils.

(C) A district shall administer one or more screening instruments in the first thirty days of the school year and repeat this process, if indicated,

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pursuant to the universal screening process defined in Section 59-33-510(7), which may be used to determine student progress in reading and numeracy in kindergarten through the third grade. Contingent upon funding being provided by the General Assembly, the department shall reimburse districts for the cost of the instrument or instruments selected upon receipt of the assessment data used in the progress monitoring system. All school districts must use one of the literacy and numeracy screening instruments selected by the department; however, no literacy or numeracy screening instrument or instruments must be used by school districts to determine if a student will be promoted to the next grade level. Classroom teachers must also be provided professional development by the department in administering instruments and in understanding the results so that the teachers can provide the appropriate evidence-based intervention.

(D) A school district may submit a waiver to the board to use a screening instrument that is not on the approved list but meets minimum technical, administration, and content criteria as determined by the department.

(E)(1) The department shall:

(a) create an online reporting system to monitor the effectiveness of the early literacy or numeracy screening assessment instruments; and

(b) require school districts annually to submit data requested by the department, which may be used to determine whether the instruments are accurately identifying students in need.

(2) The online reporting system provided in item (1) must:

(a) track, screen, and monitor the early literacy and numeracy progress of students in kindergarten through the third grade toward third-grade reading proficiency and mathematics proficiency at the state, district, and school levels; and

(b) create a consistent statewide reporting mechanism to identify students with a reading deficiency, including students with dyslexia; and

(c) be used to receive the annual report required by Section 59-33-540.”

SECTION 17. A. Section 59-155-160 of the 1976 Code is amended to read:

~~“Section 59-155-160. (A) Beginning with the 2017-2018 School Year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto~~

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~~Assessment of State Standards (PASS)~~ A student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative assessment in English/language arts, which indicates that the student needs substantial academic support to be prepared for the next grade level. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third-grade reading proficiency on the spring or summer administration of an alternative assessment approved by the department board and which teachers may administer following the administration of the state assessment of reading;

(4) who have received two years of reading intervention and were previously retained;

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

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

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

~~(c) include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district~~

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~~or school's adopted core reading curriculum that are aligned with the state English/language arts standards or teacher prepared assessments;~~

~~(d) be an organized collection of evidence of the student's mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and~~

~~(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills who, through a reading portfolio, are documented to be reading on grade level and have mastered the third-grade English/language arts standards. A student portfolio for promotion to the fourth grade must:~~

~~(a) consist only of grade-level work selected by the student's teacher from portfolio requirements;~~

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

~~(c) include clear evidence that the standards assessed by the third-grade English/language arts assessment have been met. This clear evidence:~~

~~(i) must include multiple choice items and passages that are approximately fifty percent literary text and fifty percent informational text and that are at least an average of five hundred words; and~~

~~(ii) could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or district or teacher-prepared assessments that meet standards developed and reviewed by the department;~~

~~(d) be an organized collection of evidence of the student's mastery of the state English/language arts standards that are assessed by the third-grade statewide English language arts assessment. For each standard, there must be at least five work samples of mastery in which the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required; and~~

~~(e) be signed by the student's teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the reading achievement level of the student and that the student possesses the required reading skills to be promoted to the fourth grade; and~~

~~(6) who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm-referenced, alternative assessment, selected from a list of norm-referenced, alternative assessments~~

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approved by the Read to Succeed Office for use in the summer reading camps, that the student's mastery of the state standards in reading is equal to at least a level above the lowest level on the state ~~reading~~ assessment in English/language arts.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student's academic record. This evidence must be limited to the student's individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent's acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(4) A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal.

(5) Each school district superintendent shall annually submit a report including the following information at the school and the district level, for the academic year just completed, to its district board and to the department:

(a) the total number of retention exemptions granted pursuant to this section;

(b) the number of appeals made and the number of appeals granted pursuant to this section;

(c) the academic outcome of students pursuant to subitems (a) and (b), including, but not limited to, state English/language arts summative assessment results in grades four through eight; and

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(d) the information in subitems (a) through (c) for the current academic year and the two immediately preceding academic years.

(C)(1) Students eligible for retention under the provisions in Section 59-155-160(A) may enroll in a summer reading camp provided by their school district or a summer reading camp consortium to which their district belongs prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. The camps must be taught by compensated teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts also may choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and do not meet the good cause exemption. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the first, second, or third grade and does not meet the good cause exemption.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and writing instruction, supplemental text-based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student's individual reading proficiency skills through small group instruction, reduced teacher-student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The intensity and duration of the intervention must be

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appropriate to meet the specific needs of each student to ensure the student is on track to be reading at or above grade level by the end of the school year. The school must report to the Read to Succeed Office, through the online portal, on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third-grade reading proficiency by the end of the second grading period of the third grade, then:

(1)(a) his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;

(b) within two weeks following the parent/teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference;

(c) following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction; and

(d) recommendations and observations of the principal, teacher, parent or legal guardian, and other school personnel who are working with the child on literacy must be considered when determining whether to retain the student.

(2) The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced-based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and supplementally by teachers with a literacy teacher add-on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school as documented in the district reading plan, and may include book clubs, ~~or~~ summer reading camps, or any combination of these strategies."

B.Section 59-155-160(A) takes effect August 1, 2020.

C.Section 59-155-160(B)(5) takes effect September 1, 2020.

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SECTION 18. A. Section 59-155-180 of the 1976 Code is amended to read:

“Section 59-155-180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English/language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in prekindergarten through grade twelve, the State shall strengthen its pre-service and in-service teacher education programs.

(B)(1) ~~Beginning with students entering a teacher education program in the fall semester of the 2016-2017 School Year, all~~ All pre-service teacher education programs including MAT degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve credit hour sequence in literacy that includes a school-based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre-service teacher education programs prioritize their missions and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(2) ~~Beginning with students entering a teacher education program in the fall semester of the 2016-2017 School Year, all~~ All pre-service teacher education programs, including MAT degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content-area reading. All middle and secondary teacher preparation programs must be approved by the department to ensure that all teacher candidates possess the necessary knowledge and skills to assist effectively all adolescents in becoming proficient readers. The General Assembly is not mandating an increase in the number of semester hours required for teacher candidates but rather is requiring that pre-service teacher education programs

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prioritize their mission and resources so all middle and secondary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways and strategies are needed for developing this capacity.

~~(2) A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:~~

~~(a) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;~~

~~(b) facilitate study groups;~~

~~(c) train teachers in data analysis and using data to differentiate instruction;~~

~~(d) coaching and mentoring colleagues;~~

~~(e) work with teachers to ensure that research-based reading programs are implemented with fidelity;~~

~~(f) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms; and~~

~~(g) help lead and support reading leadership teams~~ All reading coaches funded wholly or partially with state funds will serve as a stable resource for professional development in an elementary school to build master teachers of reading schoolwide in order to improve student reading achievement. Reading coaches will support and provide initial and ongoing professional development to teachers in:

(i) the administration and analysis of screening, formative, diagnostic, and summative English/language arts assessments to guide instruction;

(ii) scientifically based reading instruction, including phonological awareness, phonics, fluency, vocabulary, comprehension, and the state's English/language arts standards;

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(iii) explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback; and

(iv) differentiated reading instruction and intensive intervention based on student needs.

(b) State-funded reading coaches must have the following minimum qualifications:

(i) a bachelor's degree and advanced coursework or professional development in reading. The board shall prescribe, by regulation, any coursework or professional development that a state-funded reading coach is required to complete successfully;

(ii) three years of experience as a successful classroom literacy teacher;

(iii) knowledge of scientifically based reading research, special expertise in quality reading instruction and intervention, and knowledge of data analysis;

(iv) a strong knowledge base and experience in working with adult learners; and

(v) excellent communication skills, including outstanding presentation, interpersonal, and time management skills.

(c) The duties and responsibilities of a state-funded reading coach must include:

(i) collaborating with the principal to create a strategic plan for coaching that includes specific support for students in poverty;

(ii) facilitating schoolwide professional development and study groups;

(iii) modeling effective reading instructional strategies for teachers;

(iv) coaching and mentoring teachers on a daily basis;

(v) facilitating data analysis discussions and supporting teachers with using data to differentiate instruction according to student needs; and

(vi) working with all teachers and prioritizing those teachers, activities, and roles that will have the greatest impact on student reading achievement, namely coaching and mentoring in classrooms, including exceptional needs student education, content area, and elective areas.

(d) Reading coaches may not be required to perform administrative functions inconsistent with their duties.

(e) School districts shall monitor the implementation and effectiveness of the literacy coach and ensure communication between the district, school administration, and literacy coach throughout the year.

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(f) As a condition for receiving the state appropriation for reading coaches, the department shall screen and approve the hiring of all reading coaches in a school that has more than one-third of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment. In addition, each reading coach employed in, and the principal of, a school having more than one-third of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment shall attend professional development training provided by the department. The professional development for the principal and reading coach team must focus on the role of the reading coach in continuously improving reading, to include the role of the reading coach and strategic plans for the coach to support teachers, scientifically based reading research and evidence-based interventions to be implemented in the school, and specific support for students in poverty.

(g) A school in which at least two-thirds of students met or exceeded expectations on the state summative assessment in English/language arts may submit, as part of its reading plan, a request to the department for flexibility to use its allocation to provide literacy support to students, which may include, but is not limited to, a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan must be annually approved by the department as part of the district reading plan.

~~(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014-2015, reading/literacy coaches are required to earn the add-on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add-on. During the six-year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add-on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in-school services from department-approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified~~

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candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) ~~Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of kindergarten through the twelfth grade, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand-alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina~~

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~~Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add-on certificate.~~

~~(5) Beginning in Fiscal Year 2015 2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts the to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate~~ Early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

~~(6) Beginning in Fiscal Year 2015 2016, principals and administrators who are responsible for reading instruction or intervention and school psychologists in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office. The course or professional development shall include information about reading process, instruction, assessment, or content area literacy and shall be approved by the Read to Succeed Office~~ The board shall approve guidelines and procedures to allow in-service educators the option of utilizing the test in item (5) to exempt requirements established by the board pursuant to item (4). As part of

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this process, the board shall set a minimum cut score that an in-service educator must achieve in order to take advantage of this provision. An educator's score on this assessment may not be used for evaluation purposes. Contingent upon funding by the General Assembly, this test shall be provided at no cost to the educator.

~~(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add-on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add-on endorsement.~~

(D)(1) The Commission on Higher Education, in consultation with the department, shall annually conduct an analysis to determine the effectiveness of each teacher education program in preparing teachers to diagnose a child's reading problems and to provide small group and individual student interventions that are scientifically based and evidence-based. The department shall provide this information to the Learning Disorders Task Force in Section 59-33-550. At a minimum, the analysis must evaluate each teacher education program as it relates to preparing teachers with knowledge and expertise in the six components of the reading process:

- (a) comprehension;
- (b) oral language;
- (c) phonological awareness;
- (d) phonics;
- (e) fluency; and
- (f) vocabulary.

(2) The Commission on Higher Education shall report the findings of its analysis conducted pursuant to item (1) and recommendations for improving teacher education programs to the Governor and to the General Assembly."

B. Section 59-155-180(C)(2)(f) and (C)(4) takes effect August 1, 2020.

C. Section 59-155-180(C)(5) and (D)(1) takes effect July 1, 2021.

PART IV

Scholarships and Tuition Assistance

SECTION 19. A. Section 59-104-20 of the 1976 Code is amended to read:

"Section 59-104-20. (A) The Palmetto Fellows Scholarship Program is established to foster scholarship among the state's post-secondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and

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achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount not to exceed six thousand seven hundred dollars. These scholarships in combination with all other grants and scholarships shall not exceed the cost of attendance at the institution attended. The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.

(B) Students, either new or continuing, must not have been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a Palmetto Fellows Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea.

(C) Of the funds made available for higher education Palmetto Fellows Scholarships for any year, a percentage thereof must be allocated for students attending South Carolina independent colleges of higher learning in this State. This percentage must be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time enrollment (FTE) of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.

(D) After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all persons meeting the requirements of this section.

(E) A Palmetto Fellows Scholarship is available to an eligible resident student who attends or will attend an eligible ~~four-year~~ public or independent institution.

(F) For purposes of subsection (E):

(1) 'Public or independent institution' means a:

(a) South Carolina public institution defined in Section 59-103-5, ~~excluding a public two-year or technical institution~~, and an

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independent institution as defined in Section 59-113-50, ~~excluding an eleemosynary junior or independent two-year institution~~; or

(b) public or independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.

(2) 'Resident student' means a:

(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and

(b) student classified as a resident of South Carolina for in-state tuition purposes under Chapter 112 of this title at the time of enrollment at the institution.

(G)(1) In addition to qualifications established by regulation, to qualify for a Palmetto Fellows Scholarship, a student shall:

~~(1)(a)~~ meet the following three criteria:

~~(a)(i)~~ a minimum score of 1200 on the Scholastic Aptitude Test (SAT) or ~~an equivalent~~ a score of twenty-five on the ACT score;

~~(b)(ii)~~ a cumulative ~~3.5~~ 4.0 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and

~~(c)(iii)~~ rank in the top six percent of the class at the end of the sophomore, junior, or senior year. When calculating eligibility for Palmetto Fellows Scholarships in schools where the top six percent of the graduating class is two students or less, the top two students must be considered for the scholarship regardless of class rank. The top six percent of the graduating class must meet all Palmetto Fellows Scholarship eligibility requirements in order to receive a scholarship. If the top six percent of the class is not a whole number of students, the Commission on Higher Education shall round up to the next whole number of students eligible; or

~~(2)(b)~~ meet the following two criteria:

~~(a)(i)~~ a minimum score of 1400 on the Scholastic Aptitude Test (SAT) or ~~an equivalent~~ a score of thirty-one on the ACT score; and

~~(b)(ii)~~ a cumulative ~~4.0~~ 4.3 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year.

(2) Qualifying scores must be certified by the high school on the Palmetto Fellows Scholarship application by the scholarship application deadline. For the purposes of meeting the rank criteria pursuant to this subsection, the existing high school rank of a South Carolina resident

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attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. Qualifications established by regulation must provide for the inclusion of three-plus-two programs, or non-traditional pathways that lead to the attainment of a bachelor's degree or graduate degree.

(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. A student who uses a Palmetto Fellows Scholarship to attend an eligible two-year institution shall receive a maximum of four continuous semesters and may continue to use the scholarship to attend an eligible four-year institution, subject to the maximum number of semesters for which the student may be eligible for the scholarship.

(I) The Commission on Higher Education shall, by regulation, define alternative qualifications for an exceptionally gifted student who is a resident of South Carolina and is accepted into an institution of higher learning without having attended or graduated from high school.

(J)(1) A student receiving a Palmetto Fellows Scholarship, in order to retain it, and a student currently enrolled in an eligible institution, in order to receive such a scholarship, must:

(a) earn a 3.0 cumulative grade point average on a 4.0 scale at the end of his freshman year and earn at least thirty credit hours; and

(b) for each year after his freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59-149-60.

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(2) For the purposes of Palmetto Fellows Scholarship eligibility, a cumulative grade point average calculation must be inclusive of a student's grade point average at all public or independent institutions attended by the student.

(K) In the event that either the SAT or ACT changes its respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency."

B. The provisions of this SECTION do not apply to students in the senior class of the 2021-2022 School Year.

SECTION 20. A. Section 59-149-50 of the 1976 Code is amended to read:

"Section 59-149-50. (A)(1) To be eligible for a LIFE Scholarship, a student must be either a student who has graduated from a high school located in this State; a student who has completed at least three of the final four years of high school within this State; a home school student who has successfully completed a high school home school program in this State in the manner required by law; a student who has graduated from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. These students also must meet the requirements of subsection (B) and be eligible for in-state tuition and fees as determined pursuant to Chapter 112, Title 59 and applicable regulations. In addition, the student must have graduated from high school with a minimum of a ~~3.0~~ 3.3 cumulative grade average on a 4.0 scale and have scored 1100 or better on the Scholastic Aptitude Test (SAT) or ~~have the equivalent ACT score~~ a score of twenty-two on the ACT or better; provided that, if the student is to attend such a public or independent two-year college or university in this State, including a technical college, the SAT or ACT requirement does not apply. If a student chooses to attend such a public or independent institution of this State and does not make the required SAT or ACT score or the required high school grade point average, as applicable, the student may earn a LIFE Scholarship after his freshman year if he meets the grade point average and semester credit hour requirements of subsection (B). For the purpose of meeting the rank criteria pursuant to this section, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a

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state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship.

(2) In addition to the eligibility requirements of item (1), to be eligible for a LIFE Scholarship, a student who has graduated from a high school located in this State must have earned during his final year at least one unit of credit from among the courses listed within the Commission on Higher Education's 'College Preparatory Course Prerequisite Requirements', verification of which shall be evidenced by an easily identifiable and uniform notation developed by the Department of Education in consultation with the Commission on Higher Education. This notation shall be included on a student's official high school transcript if the student earned at least one unit of eligible credit during his final year, as required by this item. A student subject to this additional eligibility requirement but whose official high school transcript does not contain this notation shall be deemed ineligible for a LIFE scholarship by the Commission on Higher Education. Dual enrollment may be utilized for the purposes of fulfilling this additional requirement. Qualifications established by regulation must provide for the inclusion of three-plus-two programs, or non-traditional pathways that lead to the attainment of a bachelor's degree or graduate degree.

(B)(1) ~~Students~~ A student receiving a LIFE Scholarship, in order to retain it, and ~~students~~ a student currently enrolled in an eligible institution, in order to receive such a scholarship, must:

(a) earn a ~~3.0~~ 2.8 cumulative grade point average on a 4.0 scale at the end of his freshman year and earn at least thirty credit hours each year; and

(b) for each year after the student's freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59-149-60.

(2) The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student's grade point average at all public or independent institutions attended by the student.

(C) Students who were LIFE Scholarship recipients seeking a degree at such a public or independent institution of this State ~~during their freshman or other year~~ who failed to earn a cumulative 3.0 grade point average as required by subsection (B) at the end of the term they attempted the requisite number of hours required by subsection (B) may regain eligibility if their cumulative grade average is a 3.0 at the end of

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the term they have attempted at least sixty hours if they are a sophomore or ninety hours if they are a junior.

(D)(1) ~~Beginning with school year 2002-2003, an~~ An entering freshman at a four-year institution to be eligible for a LIFE Scholarship in addition to the other requirements of this chapter shall meet two of the following three criteria:

~~(1)(a)~~ (a) have the grade point average required by this section;

~~(2)(b)~~ (b) have the Scholastic Aptitude Test (SAT) or equivalent ACT score required by this section;

~~(3)(c)~~ (c) be in the top thirty percent of his high school graduating class.

(2) For home school students and students whose high school graduating class is less than fifty students, the Commission on Higher Education may define alternative criteria for students to meet the requirement of item ~~(3)(c)~~.

(3) After receipt of a LIFE Scholarship by an entering freshman ~~beginning with school year 2002-2003~~, a student shall meet the criteria established in this chapter to retain or regain the scholarship.

(4) For an exceptionally gifted student who is accepted into college without having attended high school, the Commission on Higher Education shall define alternative criteria for the student to qualify for a LIFE Scholarship.

(E) In the event that either the SAT or ACT changes its respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency."

B. Section 59-150-370(C) of the 1976 Code is amended to read:

~~"(C) A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a must have graduated from high school with a minimum of a 3.3 cumulative grade point average on a 4.0 scale to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section."~~

C. The provisions of this SECTION do not apply to students in the senior class of the 2020-2021 School Year.

SECTION 21. A. Section 59-150-360(A) and (F) of the 1976 are amended to read:

"Section 59-150-360. (A)(1) A person who qualifies for in-state tuition rates pursuant to Chapter 112, Title 59 may receive tuition assistance to attend a technical college of this State or a public two-year

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institution of higher learning. A person who qualifies for in-state tuition rates pursuant to this title may attend an independent two-year institution of higher learning and receive lottery tuition assistance each year limited to the highest amount of tuition assistance received by students at public two-year institutions. In order to qualify as a first time entering freshman and before attempting twenty-four academic credit hours, a student must:

- ~~(1)~~(a) be a South Carolina resident for a minimum of one year;
- ~~(2)~~(b) be enrolled and maintain six credit hours each semester in a certificate, degree, or diploma program;
- ~~(3)~~(c) make reasonable progress toward completion of the requirements for the certificate, degree, or diploma program;
- ~~(4)~~(d) complete a Free Application for Federal Student Aid (FAFSA) application if enrolled in a program awarding college credit. If a student feels that he will definitely not qualify to receive federal financial aid, the student may complete a simple form of minimum questions created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education to determine if the student definitely will not qualify to receive federal financial aid. If it is determined that the student definitely will not qualify to receive federal financial aid, the student shall sign a form created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education, and the student is exempted from completing the Free Application for Federal Student Aid. The State Board for Technical and Comprehensive Education and the Commission on Higher Education shall promulgate regulations to set thresholds for determining if a student definitely will not qualify to receive federal financial aid; and
- ~~(5)~~(e) not be the recipient of a LIFE Scholarship.

(2) Regulations for implementation of this section are the responsibility of the South Carolina State Board for Technical and Comprehensive Education, for the technical college system, and the Commission on Higher Education, for the two-year public and private institutions. These regulations must be developed in a coordinated effort, provide for the allocation of funds based on the tuition assistance granted at each institution, and be interchangeable between each of the institutions affected.”

“(F) In order for a student seeking credit hours for a certificate, degree, or diploma to be eligible after attempting twenty-four academic credit hours the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.”

B. The General Assembly recognizes a need to increase the percentage of working-aged adults with a postsecondary degree or industry credential by encouraging closer partnerships between the State Board

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for Technical and Comprehensive Education and the State Board of Education in providing programs pursuant to this SECTION. The State Board for Technical and Comprehensive Education, in collaboration with the State Board of Education, shall look at additional pathways of cooperation to better facilitate adult education in an efficient and cost-effective manner. They shall provide a report detailing their findings, to include student participation, retention, and completion numbers, to the General Assembly by June 1, 2020.

PART V

Workforce Preparation

SECTION 22. Recognizing that a vibrant workforce is critical to sustaining and growing the economy of this State by servicing existing industry and attracting new industry, the State of South Carolina must endeavor to increase the number of South Carolinians who are ready and able to fill jobs demanded by a dynamic and evolving economy. To achieve this purpose, the State of South Carolina establishes an overall statewide workforce readiness goal of at least sixty percent of all working-age South Carolinians having a postsecondary degree or recognized industry credentials before the year 2030. The General Assembly is encouraged to reexamine and revise this goal on an ongoing basis as needed.

SECTION 23. A. Section 59-59-20 of the 1976 Code is amended to read:

~~“Section 59-59-20. (A)(1) The Department of Education shall develop a curriculum, aligned with state content standards, organized around a career cluster system that must provide students with both strong academics and real world problem-solving skills. Students must be provided individualized educational, academic, and career-oriented choices and greater exposure to career information and opportunities. This system must promote the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals. The Department of Education, in collaboration with the Technical College System, the Commission on Higher Education, the Department of Employment and Workforce, and the Department of Commerce, shall develop a career pathways system that:~~

(a) aligns public education and postsecondary education systems and the career and technology education services provided within and across program providers;

(b) aligns with state and regional workforce needs;

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(c) provides students, teachers, parents, and families with general information about career pathways and with strategies to support students in acquiring the academic, employability, and technical skills that employers demand; and

(d) promotes the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals.

(2) After developing the career pathways system provided in subsection (A), the Department of Education shall develop a curriculum that:

(a) is aligned with state content standards; is organized around the career pathways system and system of career clusters, which may be based on national career clusters; and is aligned with state and regional workforce needs as determined by the Department of Commerce;

(b) provides students with strong academic and real world problem-solving skills;

(c) provides students with individualized educational, academic, and career-oriented choices and a greater exposure to career information and opportunities; and

(d) provides online and print resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills to be college and career ready. These parent resources must include information that identifies specific careers and the reading and mathematics demands expected in those careers.

~~(B)(1) School districts must lay the foundation for the clusters of study system in elementary school by providing career awareness activities. In the middle grades programs must allow students to identify career interests and abilities and align them with clusters of study for the development of individual graduation plans. Finally, high school students must be provided guidance and curricula that will enable them to complete successfully their individual graduation plans, preparing them for a seamless transition to relevant employment, further training, or postsecondary study.~~ In elementary school, districts shall establish a foundation for the career pathways system and career clusters by providing career awareness activities and, at least annually, informing students, parents, and teachers of individual students' progress toward having the academic skills in reading and mathematics needed as a foundation for a successful pathway through graduation and postsecondary study.

(2) In middle school, districts shall assist students in:

(a) identifying career interests and abilities; and

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(b) developing individual graduation plans that align the interests and abilities of the student as identified pursuant to subitem (a) with related career pathways and clusters of study.

(3)(a) In high school, districts and charter authorizers shall provide guidance and curricula, including career tools and resources for personalized learning, that will enable students to complete successfully their individual graduation plans and will prepare them for a seamless transition to relevant employment, further training, or postsecondary study.

(b) Districts and charter authorizers shall annually collect and provide data to the Department of Education regarding the number of students in each of the pathways offered, disaggregated by school and career center, and at the overall district or charter authorizer level. The Department of Education shall make this data available on its website. The school, career center, district, or charter authorizer must make the same data provided by the Department of Education available on their respective websites.”

B. Section 59-59-20(A)(1) takes effect upon approval by the Governor and must be completed on or before August 1, 2023.

SECTION 24. A. Section 59-59-50 of the 1976 Code is amended to read:

“Section 59-59-50. (A)(1) Every five years, the Department of Education shall ~~Before July 1, 2006, the Department of Education shall develop state models and prototypes for individual graduation plans and the curriculum framework for career clusters of study. These clusters of study may be based upon the national career clusters and may include, but are not limited to:~~

- ~~(1) agriculture, food, and natural resources;~~
- ~~(2) architecture and construction;~~
- ~~(3) arts, audio-video technology, and communications;~~
- ~~(4) business, management, and administration;~~
- ~~(5) education and training;~~
- ~~(6) finance;~~
- ~~(7) health science;~~
- ~~(8) hospitality and tourism;~~
- ~~(9) human services;~~
- ~~(10) information technology;~~
- ~~(11) law, public safety, and security;~~
- ~~(12) manufacturing;~~
- ~~(13) government and public administration;~~
- ~~(14) marketing, sales, and service;~~
- ~~(15) science, technology, engineering, and mathematics; and~~

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~~(16) transportation, distribution, and logistics~~

~~(a) develop pathways under each career cluster; and~~

~~(b) develop programs of study under each pathway.~~

(2) In developing programs of study as provided in item (1)(b), the Department of Education shall emphasize the high-skill and in-demand pathways that the state Workforce Innovation and Opportunity Act plan and Coordinating Council for Workforce Development have identified as critical to the state's workforce development system.

(B) The Department of Education is to include in the state models and prototypes for individual graduation plans and curriculum framework the flexibility for a student to develop an individualized plan for graduation utilizing courses offered within the clusters at the school of attendance. Any plan of this type is to be approved by the student, parent or guardian, and the school guidance staff.

(C) The Department of Education shall collaborate with the Education and Economic Development Act Coordinating Council to develop a pathway certification process for high schools and postsecondary institutions."

B.Section 59-59-50(A)(1) takes effect August 1, 2021.

C.Section 59-59-50(C) takes effect upon approval by the Governor and must be completed before August 1, 2022.

SECTION 25. A.Section 59-59-60 of the 1976 Code is amended to read:

"Section 59-59-60. ~~Before July 1, 2007 school districts~~ Each school district shall:

(1) organize high school curricula around a minimum of three clusters of study and cluster majors. The curricula must be designed to provide a well rounded education for students by fostering artistic creativity, critical thinking, and self discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life ~~career pathways that are targeted to regional and state workforce needs. A district must offer at least one pathway in each career center or in each high school and at least one high-skill and in-demand pathway as identified in the State's Workforce Innovation and Opportunity Act plan. Each school district shall coordinate with other school districts to ensure that students have increased access to multiple pathways. Students approved to take coursework outside of their attendance zone, to include across district lines, may be transported by school bus at no cost to the student or school district, provided that the route information has been submitted to the Department of Education. The Department of Education is permitted to utilize state funds to initiate and foster cross-district programs and may~~

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mandate that districts participate in such programs as a condition of receipt of state funding. Curricula must be designed to provide a well-rounded education as defined by the 'Every Student Succeeds Act' to prepare students for multiple pathways, including postsecondary credentials, advanced coursework, IB, and dual enrollment. These pathways must foster the life and career characteristics, world class knowledge, and skills identified in the Profile of the South Carolina Graduate;

(2) promote an increased awareness of, and career counseling by providing access to the South Carolina Occupational Information System for all schools. However, if a school chooses another occupational information system, that system must be approved by the State Department of Education that focuses on, regional and state workforce needs and on the careers that require a high school diploma, industry certification, postsecondary degree, or postsecondary credential; and

(3) review the pathways selected by the district every two years and determine if a different pathway is more appropriate for local workforce needs. Each district shall report the process it used in determining whether to keep or replace a pathway to the State Board of Education.”

B.This SECTION takes effect August 1, 2022.

SECTION 26. A.Section 59-53-30 of the 1976 Code is amended to read:

“Section 59-53-30. (A) Institutions of the South Carolina Technical Education System shall ~~maintain open admissions policies unless determined to be economically unfeasible by the State Fiscal Accountability Authority~~ and establish and maintain low tuition and fees in order to provide access to post-secondary education and insure that such educational opportunities shall not be denied to anyone.

(B) Upon request and justification and with the approval of the State Board of Education, the ~~Board~~ board may authorize an institution within its jurisdiction to contract with local school districts to offer adult literacy courses and programs and secondary-level ~~vocational~~ career and technical education courses and programs.

(C) Upon request and justification and with the approval of the Commission on Higher Education, the ~~Board~~ board may authorize an institution within its jurisdiction to offer two-year college parallel programs. The Commission on Higher Education shall approve all criteria for college parallel courses.”

B.This SECTION takes effect upon approval by the Governor and must be completed before August 1, 2022.

PART VI

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Educator Development, Satisfaction, and Incentives

SECTION 27. (A) The Department of Education is directed to establish a pilot program by May 1, 2021, that will permit a school that has received an overall rating of 'Excellent' on its annual report card for at least two consecutive years, or is located in a critical geographic area as defined in Section 59-26-20(j), to hire non-certified teachers in a ratio of up to ten percent of its entire teaching staff. In order to effect the establishment of the pilot program, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum shall include the following:

- (1) a non-certified teacher must possess a baccalaureate or graduate degree in the subject he is hired to teach and must have at least five years of relevant workplace experience;
- (2) procedures are provided for non-certified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5); and
- (3) training is required to ensure that non-certified teachers are prepared to enter the classroom.

(B) Participation in the pilot program is optional, and the decision to participate rests solely with the Department of Education and the school principal, upon approval of the district superintendent. Participating schools and districts are encouraged to collaborate on recruitment, training, and implementation of the pilot program and to assist the Department of Education with establishing best practices.

(C) The Department of Education shall establish a separate code in the professional coding system to capture non-certified teachers and shall continue to report this information on school report cards.

(D) Beginning November 1, 2022, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five-year pilot program, the annual status report shall include a recommendation regarding continuance of the program.

SECTION 28. Section 59-5-60(4) of the 1976 Code is amended to read:

“(4) Prescribe and enforce rules for the examination and certification of teachers, including for alternative route providers and programs.”

SECTION 29. Section 59-25-110 of the 1976 Code is amended to read:

“Section 59-25-110. The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers, including for alternative route providers and programs.”

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SECTION 30. Section 59-25-115 of the 1976 Code is amended to read:

“Section 59-25-115. (A) For the purposes of this section, an ‘educator preparation program’ is a state-approved program housed at a college or university or an alternative route program as defined in Section 59-25-25.

(B) ~~A person enrolled in a teacher education~~ an educator preparation program in South Carolina must be advised by the education preparation provider, college, or university that ~~his~~ any prior criminal record could prevent approval to enter into a full or part-time pre-service field or clinical experience in public schools. The education preparation provider, college, or university must notify the individual that his prior criminal record could prevent certification as a teacher in this State in accordance with State Board of Education guidelines.

~~(B)(C)(1) Before beginning any part or full-time field or clinical teaching experience in a public school in this State, a teacher education~~ an educator candidate must complete a pre-service application and clearance process in accordance with State Board of Education guidelines. Part of this process shall include ~~shall undergo a state fingerprint-based criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints by the Federal Bureau of Investigation, and a search of the National Association of State Directors of Teacher Education and Certification Clearinghouse’s educator misconduct records.~~ The cost associated with the FBI background checks are those of the applicant. Information reported relative to prior arrests or convictions will be reviewed by the State Department of Education, and the State Board of Education when warranted, according to board guidelines. ~~A teacher education candidate with prior arrests or convictions of a serious nature that could affect his fitness to teach in the public schools of South Carolina may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. An individual who is denied this opportunity as a result of prior arrests or convictions, after one year, may request reconsideration under guidelines established by the State Board of Education.~~

(2) An educator candidate who completes an educator preparation program must repeat the fingerprint-based criminal records check as required in subsection (C)(1) before certification if the criminal history reports on file were submitted more than eighteen months prior to meeting all certification requirements.

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(3) Any educator applying for recertification must repeat the fingerprint-based criminal records check as required in subsection (C)(1).

~~(C) A graduate of a teacher education program applying for initial teacher certification must have completed the FBI fingerprint process within eighteen months of formally applying for initial teacher certification or the fingerprint process must be repeated.”~~

SECTION 31. Section 59-25-115 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“(1) The Department of Education shall establish procedures for the registration and clearance of all non-certified educators working in any public school, to include a public charter school. Educators shall submit the required documentation and fees to the Department of Education, which shall include, but are not limited to:

- (a) a completed registration form;
- (b) any associated fee;
- (c) transcripts, which shall be subject to review; and
- (d) FBI, South Carolina Law Enforcement Division, and

National Association of State Directors of Teacher Education and Certification Clearinghouse checks.

(2) An educator whose South Carolina educator certificate has been suspended or revoked shall not be employed as a non-certified teacher. If a non-certified teacher commits an offense covered by the Code of Conduct as promulgated by the State Board of Education, then the State Board of Education is authorized to revoke the educator’s registration.”

SECTION 32. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-25. (A)(1) For the purposes of this section, ‘alternative route provider’ means an entity responsible for preparing educators. ‘Alternative route program’ is a sequence of academic courses and experiences that result in state certification.

(2) The State Board of Education may approve alternative route providers and programs for certification for any individual required to hold a state educator certificate. The State Board of Education must establish guidelines for approval that also include periodic review of all providers and programs as provided in Section 59-26-20(). An educator preparation program housed within an institution of higher education does not have to be nationally accredited, may be approved as an alternative route provider, and may submit a separate and distinct educator preparation program for alternative certification to the State Board of Education for approval. Any alternative route program must

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include, but is not limited to including, documented evidence of the following:

- (a) its budget and sources of revenue, including fees paid by the candidates;
- (b) its organizational information, including the names and qualifications of administrators, support staff, and faculty;
- (c) entry requirements for candidates for each certification area program offered by the applicant;
- (d) its plans for curriculum offerings, including its delivery method and timeframe, field placements, field supervision plans, and assessments of success;
- (e) its partnerships with public schools for clinical experiences, if applicable, including signed memoranda of agreement with detailed responsibilities for the alternative route educator provider program and school district;
- (f) evidence of annual successful teaching experience by the candidates and their progress toward obtaining a professional certificate;
- (g) ongoing monitoring of candidates' performances in the classroom while in the alternative route program; and
- (h) mentoring provided by the educator preparation program.

(B) The Department of Education shall report the total number of individuals employed in this State, by district, with certificates issued by alternative programs to the State Board of Education and the General Assembly before March thirty-first of each year."

SECTION 33. Section 59-26-20 of the 1976 Code is amended by adding an appropriately lettered new item at the end to read:

"() develop and implement a plan for a seven-year cyclical approval evaluation process for all alternative route providers and programs, as defined in Section 59-25-25(A)(1). The plan shall include approval requirements, including documentation of successful teaching experiences differentiated by program, and a revocation process. The plan may be revised as necessary."

SECTION 34. Chapter 26, Title 59 of the 1976 Code is amended by adding:

"Section 59-26-35. (A)(1) The State Board of Education, with the assistance of the Department of Education, the South Carolina Commission on Higher Education, and the Revenue and Fiscal Affairs Office, shall develop and annually produce a teacher preparation data dashboard that shall provide, at a minimum, the following:

- (a) the number of undergraduate and graduate completions;
- (b) placement and retention rates by district and region of the State;

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(c) the performance of candidates on a basic skills examination;
(d) the ability of programs to recruit a strong, diverse cohort of candidates and prepare them to teach in the content areas of greatest need;

(e) the quality of clinical experiences; and

(f) the effectiveness of individuals who completed a provider's program and are employed in a public school classroom.

(2) The information must be differentiated by provider and, if applicable, across content areas.

(B) The Department of Education, each educator preparation provider, and each school district shall report all data as requested by the State Board of Education that is necessary to produce the teacher preparation data dashboard, which shall be published on the Department of Education's website."

SECTION 35. Chapter 26, Title 59 of the 1976 Code is amended by adding:

"Section 59-26-120. (A) Using the longitudinal data system established pursuant to Section 59-18-1950, the Department of Education shall annually before December first provide information to each college of education and state-approved educator preparation program regarding their respective graduates. Information must be provided to a college of education or educator preparation program regarding each of its individual educator graduates and alternative program participants and completers and must include, but is not limited to:

(1) scores for SCPASS and SC READY, or any succeeding assessment, aggregated by classroom, content, or grade; school; district; and learner demographic;

(2) student learning objective data aggregated by classroom, content, or grade; school; district; and learner demographic;

(3) the results of the ADEPT Evaluation by individual educator graduate;

(4) records of employee certification by individual educator graduate; and

(5) other information requested by the college of education or educator preparation programs designed to enhance the ability of the college or educator preparation program to provide improved education services.

(B) A college of education or educator preparation program receiving individualized information regarding its graduates pursuant to subsection (A) shall:

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(1) develop and use a unique system for identifying each individual educator graduate for whom it receives such individualized information;

(2) strictly maintain the confidentiality of all information that could be used to identify an individual educator graduate for whom it receives such information; and

(3) not share such information with a third party without the express written consent of the individual educator graduate.

(C) Information provided to a college or educator preparation program pursuant to this section is not subject to the provisions of the Freedom of Information Act.”

SECTION 36. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-52. (A) Annual requirements for the teacher survey currently administered by the Department of Education shall be met by the Center for Educator Recruitment, Retention, and Advancement of South Carolina (CERRA-South Carolina). CERRA-South Carolina shall administer the uniform and confidential online survey of all public school teachers to evaluate teacher satisfaction, shall collect and analyze the survey data, and shall report the results as provided in this section. The survey shall include, but is not limited to, an assessment of teacher perceptions of working conditions related to support and leadership, the availability and use of resources, the classroom and school environment, and professional opportunities. CERRA-South Carolina shall maintain data to provide year-over-year results.

(B) CERRA-South Carolina shall compile, analyze, and report survey results for each school and school district, as well as statewide. The reports must be:

(1) provided to the Education Oversight Committee and each school district board, school district superintendent, school principal, and school teacher; and

(2) published by CERRA-South Carolina, the Department of Education, the Education Oversight Committee, each school district, and each school in a conspicuous place on its respective website. A district must publish results only for the district. A school must publish results only for the school. Yearly results must be published online and maintained for ten years.”

SECTION 37. A. Section 59-20-50(4)(b) of the 1976 Code is amended to read:

“(b) ~~The state minimum salary schedule must be based on the state minimum salary schedule index in effect as of July 1, 1984. The~~ minimum starting teacher salary for a teacher with no years of experience

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~~and a bachelor's degree shall be at least thirty-five thousand dollars. The General Assembly shall establish the starting teacher salary, the salary schedule, and the Education Finance Act inflation factor each year in the annual appropriations act. Annual salary increases must be based on funding provided by the General Assembly in the annual appropriations act and provided through adjustments in the salary schedule to educators identified by the Department of Education as eligible to receive the Education Improvement Act teacher salary supplement during Fiscal Year 2019-2020 as reported to the Revenue and Fiscal Affairs Office. In Fiscal Year 1985, the 1.000 figure in the index is \$14,172. (This figure is based on a 10.27% increase pursuant to the South Carolina Education Improvement Act of 1984.) Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Office of Research and Statistic of the Revenue and Fiscal Affairs Office and provided to the General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers' salaries of the southeastern states. In projecting the southeastern average, the office shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay. Under this schedule, school districts are required to maintain local salary supplements per teacher no less than their prior fiscal level. In Fiscal Year 1986 and thereafter teacher pay raises through adjustments in the state's minimum salary schedule may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the following criteria:~~

- ~~(1) holding a valid professional certificate;~~
- ~~(2) having a score of 425 or greater on the Commons Examination of the National Teachers Examinations;~~
- ~~(3) meeting the minimum qualifying score on the appropriate area teaching examination; or~~
- ~~(4) meeting the minimum standards on the basic skills examinations as prescribed by the State Board of Education provided in Section 59-26-20."~~

B. This SECTION takes effect July 1, 2020.

SECTION 38. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

"Section 59-19-360. The board of trustees of a local school district may authorize daily mileage reimbursement for a teacher who must travel more than twenty-five miles each way between home and school. This reimbursement may not exceed the federal reimbursement rate for mileage."

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SECTION 39. A. Section 59-5-63 of the 1976 Code is amended to read:

“Section 59-5-63. (A)(1) The State Board of Education shall promulgate regulations directing adopt, and revise as necessary, a policy that each local school board must use to develop and implement a plan that directs the principal of each elementary school having grades one kindergarten through six the fifth grade to provide all full-time teachers who are assigned to a classroom with at least thirty minutes of duty-free time on each regular school day to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984-85 school year.

(2) The State Board of Education’s policy must:

(a) provide the process that a local school board must follow in developing a duty-free policy, including, but not limited to, policy application, manner of application, and times of application;

(b) provide that duty-free time may not be withheld or reduced, unless it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff;

(c) provide that additional compensation may not be offered in place of duty-free time;

(d) provide penalties if a principal fails to comply with local duty-free policy; and

(e) provide penalties if a local school board fails to comply with this section.

(B) The local school board must adopt a duty-free policy at a regularly scheduled meeting within three months of the State Board of Education’s adoption of a statewide policy. The local school board’s policy must include, at a minimum, the State Board of Education’s policy but may also include additional provisions. If the State Board of Education revises the statewide policy, then the local school board must incorporate and adopt the revisions into the local duty-free policy at a regularly scheduled meeting within three months.

(C) The local school board must submit its duty-free policy and any subsequent revisions to the Department of Education within thirty days of adoption.”

B. This SECTION takes effect August 1, 2020.

PART VII

Local School Boards

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SECTION 40. A.Chapter 19, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 7

Local School Governance

Section 59-19-710. The purpose of this article is to enhance local school governance by promoting the highest standards of ethical behavior.

Section 59-19-720. For the purposes of this article, ‘board member’ means a person holding membership, whether by election or appointment, on a board of education, including a charter school board or the South Carolina Charter School District board, other than the State Board of Education.

Section 59-19-730. (A) The State Board of Education shall adopt, and revise as necessary, a model code of ethics for local school board members. The code shall include penalties for violations that the State Board of Education determines are reasonable and necessary.

(B)(1) A local school board shall adopt a local code of ethics applicable to that board within three months after adoption of the model code of ethics by the State Board of Education. A local code must include, at a minimum, the State Board of Education’s model code of ethics.

(2) If the State Board of Education adopts a revision to the model code of ethics, then local school boards shall adopt and incorporate the revision into their local code within three months of the adoption of the revision by the State Board of Education.

(3) A local school board may only adopt its local code of ethics or any changes to that local code at a regularly scheduled meeting.

(4) A local school board may not adopt or follow a code of ethics that prevents its members from freely discussing the policies and actions of the board outside of a board meeting. This does not preclude a local school board from adopting a policy in a regularly scheduled meeting that prohibits certain disclosures allowed by law.

(5) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the Department of Education within thirty days of adoption.

(6) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other statute.”

B.Section 59-19-730(A) takes effect upon approval by the Governor but must be completed before July 1, 2021.

SECTION 41. A.Section 59-19-45 of the 1976 Code is amended to read:

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“Section 59-19-45. (A)(1) The State Board of Education shall adopt a model training program for training local school board members. Every three years, the State Board of Education shall review the training program as it considers necessary and adopt revisions.

(2)(a) A local school board shall adopt a local training program applicable to that board within three months after adoption of the model training program by the State Board of Education. A training program must include, at a minimum, the model training program adopted by the State Board of Education.

(b) If the State Board of Education adopts a revision to its training program, then local school boards shall adopt and incorporate the revision into their local training programs within three months of the adoption of the revision by the State Board of Education.

(c) A local school board may only adopt its local training program or any changes to that local training program at a regularly scheduled meeting.

(B) Within one year of taking office, all persons elected, re-elected, or appointed, or reappointed as members of a school district board of trustees after July 1, 1997, regardless of the date of their election, re-election, appointment, or reappointment, shall complete successfully an orientation a training program in the powers, duties, and responsibilities of a board member, including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, nepotism, conflicts of interest, and community relations. This program must be offered by a district or its designee and completed by each board member within one year after his election, reelection, appointment, or reappointment.

(B) The orientation shall be approved by the State Board of Education and conducted by public or private entities approved by the State Board of Education such as the South Carolina School Boards Association.

(C) The provisions of this section also apply to members of county boards of education appointed or elected after July 1, 1997, in the same manner the provisions of this section apply to members of school district boards of trustees. In addition to meeting other requirements provided by law, a person serving on a local school board shall sign a statement asserting that he understands and is in compliance with the South Carolina ethics law, the applicable local code of ethics, and the training required pursuant to this section.

(D) The provisions of this section do not apply to a school board trustee or county board of education member who was serving in such

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~~office on July 1, 1997, and who is continuously reelected or reappointed to office thereafter~~ At the beginning of each calendar year, a local school board shall certify compliance with the provisions of subsection (C) by all board members and publish this certification in the minutes of the next regularly scheduled school board meeting.

~~(E) The State Department of Education shall reimburse a school district or county board of education conducting an orientation for a new board member as required by this section at the rate of eighty dollars for a member, provided that the total reimbursements by the department in one fiscal year must not exceed ten thousand dollars. If the total projected cost of these reimbursements for a year as determined by the department exceeds ten thousand dollars, the eighty dollar reimbursement for each new member must be reduced proportionately. If funds are not available for these reimbursements, the board member orientation is not required but may be conducted at the option of a school district or county board of education. The State Board of Education shall establish guidelines and procedures for these reimbursements.~~

~~(F) The State Department of Education must keep a record of the school board trustees who complete the orientation program.”~~

B. Section 59-19-45(A)(1) takes effect upon approval by the Governor but must be completed by December 31, 2020. The training program pursuant to Section 59-19-45(B) must be offered by a district or its designee and completed by each board member within one year after the effective date of this SECTION.

SECTION 42. A. Section 59-39-100 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() (1) A district school board or charter school sponsor may establish a board policy to require all high school students without a scheduled class or classes for the remainder of a school day to remain at their assigned school until the end of that regular school day, unless the student:

(a) is actively participating in a college or career readiness activity, class, or course away from the school, including, but not limited to, work-based learning; an approved apprenticeship, internship, or externship; or a senior project;

(b) is actively involved in an ongoing community service project;

(c) is regularly scheduled for a volunteer or service activity, such as tutoring or mentoring another student;

(d) is gainfully employed; or

(e) provides a written request from his parent or guardian requesting an exemption from the requirement.

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(2) The district board or charter sponsor policy established may require a uniform district-wide policy or may include provisions allowing each high school under its governance to establish a policy unique to its students' needs that is uniformly applied within the school."

B. This SECTION takes effect August 1, 2020.

SECTION 43. (A)(1) On or before August 1, 2022, any local school district meeting the following characteristics shall be eligible to receive appropriated funds for the purpose of consolidating with other local school districts within its county:

(a) based on the forty-five day average daily student membership count received by the Department of Education for the 2018-19 School Year, maintains an average daily membership that is less than one thousand five hundred; and

(b) is located within a county ranked as Tier IV in the 2018 tax year pursuant to Section 12-6-3360(B).

(2) Any funds received must be used to support costs directly related to consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the local school district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward these funds from one fiscal year to the next and use them for the same purpose.

(3) On or before August 1, 2020, each eligible district must submit a preliminary consolidation plan and timeline to the Department of Education for review and approval and must include a proposed use of funds. Upon approval by the Department of Education, each district shall forward its consolidation plan to its local legislative delegation for action. Upon approval of a consolidation plan by the Department of Education, the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate any remaining funds following any legislative action formally consolidating districts.

(B)(1) After August 1, 2022, any local school district satisfying the characteristics of subsection (A)(1) that has not implemented consolidation pursuant to subsection (A) shall be merged with one or more districts in the same county and is not eligible for appropriated funds. The Department of Education will direct the merger and shall report to the General Assembly any legislative actions necessary to accomplish the merger.

(2) If a district began consolidation and received funding pursuant to subsection (A) but did not fully implement the consolidation, then the district shall be consolidated pursuant to this subsection. The Department

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of Education shall direct the district to remit payment in an amount equal to the funds allocated pursuant to subsection (A). The Department of Education shall work with the districts involved to identify services that will be consolidated and to enhance educational services and the programs available to students.

(C) After August 1, 2020, a local school district eligible for consolidation pursuant to subsection (A) may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education unless otherwise directed by the General Assembly.

(D) If sufficient funds are not appropriated to support subsection (A), then the Department of Education is directed to submit a report to the General Assembly by January 10, 2020, outlining the districts that meet the criteria of subsection (A)(1). School districts included in the report required by this subsection are subject to the consolidation process provided in subsection (B). The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.

SECTION 44. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-45. (A) Notwithstanding any other provision of law, any local school district shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county if the district maintains an average daily membership that is less than one thousand five hundred based on annual student counts received by the Department of Education. These funds must be used to support costs directly related to consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward these funds from one fiscal year to the next and to use them for the same purpose.

(B) An eligible district intending to consolidate must submit a preliminary consolidation plan, a timeline, and the proposed use of funds to the local legislative delegation for review and approval through the passage of local legislation. Upon approval by the local legislative delegation, the district shall forward the consolidation plan to the Department of Education, and the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate any remaining funds following any legislative action formally consolidating the districts.

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(C) Upon submission of a consolidation plan, a local school district may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education, unless otherwise directed by its local legislative delegation.

(D) If sufficient funds are not appropriated to support consolidation, then the Department of Education is directed to submit a report annually to the General Assembly outlining the districts that have submitted consolidation plans. The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.”

SECTION 45. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create a ~~school~~ schools of choice ~~schools of choice~~ innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.”

SECTION 46. A. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ~~ninety~~ ninety-five days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007-2008 school year,~~ the opening date for students must not be ~~before the third~~ before the second Monday in August, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and ~~the remaining~~ five days may be

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used for teacher planning, academic plans, and parent conferences. The remaining five days may be used for teacher planning but must not include mandatory professional development, meetings, or parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.”

B. This SECTION is effective contingent upon funding in the annual appropriations act.

SECTION 47. Section 59-19-60 of the 1976 Code is amended to read:

“Section 59-19-60. Notwithstanding any provision of law to the contrary, school district trustees guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education by the Governor. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59-19-560. Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term ~~by the county board of education~~ in the same manner as provided for full-term appointments.”

PART VIII

Assistance and Intervention

SECTION 48. Article 15, Chapter 18, Title 59 of the 1976 Code is repealed.

SECTION 49. Chapter 18, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 16

Assistance and Intervention

Section 59-18-1615. As used in this article:

(1) ‘Chronically underperforming school’ means a school that receives an overall rating of unsatisfactory for three consecutive years on its annual school report card, as provided in Section 59-18-900.

(2) ‘School district’ is defined pursuant to Section 59-1-160.

(3) ‘Turnaround plan’ means a plan outlining goals for a school or district’s educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The

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department is required to provide schools and districts with a template to complete the turnaround plan.

(4) ‘Underperforming district’ means a district in which sixty-five percent or more of the schools in the district have an overall rating of unsatisfactory or below average on their annual school report cards, as provided in Section 59-18-900.

(5) ‘Underperforming school’ means a school that receives an overall rating of unsatisfactory or below average on its annual school report card, as provided in Section 59-18-900.

Section 59-18-1620. (A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty-first of each year, the State Superintendent of Education shall report on the tiered system’s progress relating to assistance provided to schools and local school districts to the General Assembly. The report shall include data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

(1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;

(2) monitor local school board operations for efficient and effective management; and

(3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

Section 59-18-1625. (A) Upon a school or district’s designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school or district’s strategic plan with the assistance of the School Improvement Council, as established in Section 59-20-60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

(a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;

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(b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;

(c) include broad-based community input, including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and

(d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees shall annually submit updates to the department regarding the implementation of the turnaround or revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district's implementation of the revised strategic plan and evaluation of students' academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district's progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of enrolled children of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

Section 59-18-1630. Upon the release of the annual report card issued pursuant to Section 59-18-900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

(1) notify parents of students in writing and electronically;

(2) schedule, prominently publicize, and hold a public meeting to explain the school's rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;

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(3) immediately review and revise its strategic plan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and

(4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

Section 59-18-1635. (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a school for which he has a capacity to serve under the following circumstances:

(1) the school is chronically underperforming;

(2) the school's accreditation is denied; or

(3) the State Superintendent of Education determines that a school's turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon approval of a state-of-education emergency declaration, the State Superintendent of Education shall:

(1) notify the district superintendent, local school board, local legislative delegation, and Governor; and

(2) assume management of the school.

(D) The district superintendent and members of the local district board may appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

Section 59-18-1640. (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a district for which he has a capacity to serve under the following circumstances:

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(1) the district is identified as underperforming for three consecutive years;

(2) the district's accreditation is denied;

(3) the Superintendent of Education determines that a district's turnaround plan results are insufficient; or

(4) the district is classified as being in a fiscal emergency status pursuant to Section 59-20-90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon approval of a state-of-education emergency, the State Superintendent of Education shall:

(1) notify the State Board of Education, the district superintendent, local school board, local legislative delegation, and Governor; and

(2) assume management of the district.

(D) The district superintendent and members of the local district board may appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) Upon the State Board of Education's approval of a state-of-education emergency declaration, the local district board of trustees is dissolved. The State Superintendent of Education shall assume the authority and responsibilities of the district superintendent and local board of trustees until district management is transitioned to the jurisdiction of an interim local district board of trustees appointed pursuant to this section.

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

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(ii) one member appointed by the local legislative delegation;
and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty-five days of the State Board of Education's approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, local district board of trustees members will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state-of-education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state-of-education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state-of-education emergency is lifted. County council may not exceed millage limitations established pursuant

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to Section 6-1-320 or otherwise established prior to the state-of-education emergency declaration.”

SECTION 50. Section 59-18-920 of the 1976 Code is amended to read:

“Section 59-18-920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the ~~Department of Education~~ Education department necessary to generate a report card and a rating. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District or a registered institution of higher learning must be included in the overall performance ratings of each school ~~in the South Carolina Public Charter School District~~. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 51. Section 59-59-30 of the 1976 Code is repealed.

PART IX

Miscellaneous

SECTION 52. (A) On or before August 1, 2021, the Legislative Audit Council shall study and publish a report detailing federal funding streams for programs and grants in elementary and secondary education in this State in total and shall break out the cost of overhead, compliance, and reporting incurred by the Department of Education, school districts, and local schools. Methods, assumptions, limitations, and procedures used in the study must be published as part of the final report.

(B) The Legislative Audit Council’s study shall focus on:

- (1) Title I, Title II, and Title IV as related to the Elementary and Secondary Education Act of 1965, and as reauthorized by the No Child Left Behind Act of 2001, and Every Student Succeeds Act of 2017;
- (2) Individuals with Disabilities Education Act of 2004;
- (3) Head Start and Early Childhood Education; and
- (4) teacher quality improvement programs.

(C) The study and report must include, but is not limited to, the following considerations:

- (1) grant and program application costs as a cost of compliance;
- (2) grant and program application policy requirements imposed on the State, as well as the fiscal impact associated with the requirements;

THURSDAY, JANUARY 16, 2020

(3) expenditures, annualized and projected for the life of each grant and program and for ten years after the grant or program expires or after federal funding is discontinued;

(4) the process to evaluate programs and grant costs of compliance, including an analysis of applicable federal regulations, as well as interviews with at least ten local school districts of varying size and two schools per district selected. Schools and districts that participate in the study will be held harmless;

(5) both allowable and unallowable expenditures incurred from the programs and grants included in the cost of compliance;

(6) expenditures incurred requiring the use of state or local funds included in the cost of compliance; and

(7) "Maintenance of Effort" and "Supplement, Not Supplant" requirements included in the cost of compliance as a category of "minimum state and local spending required to receive grant."

(D) Once complete, the report will be made public.

SECTION 53. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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 54. Unless otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE moved to adopt the committee amendment.

Point of Order

Senator RANKIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator RANKIN spoke on the Point of Order.

Senator MASSEY spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The committee amendment was adopted.

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Senator FANNING spoke on the Bill.

Senator JOHNSON spoke on the Bill.

Senator MASSEY moved to carry over the Bill.

REPORT RECEIVED

The Judicial Merit Selection Committee Report was printed as received.

Judicial Merit Selection Commission

**Report of Candidate Qualifications
2019**

Date Draft Report Issued: Thursday, January 16, 2020

Date and Time Final Report Issued: Noon, Tuesday, January 21, 2020

**Judicial candidates are not free to seek or accept commitments
until Tuesday, January 21, 2020, at Noon.**

Judicial Merit Selection Commission

Rep. G. Murrell Smith Jr., Chairman
Counsel

Erin B. Crawford, Chief

Sen. Luke A. Rankin, Vice Chairman

Emma Dean, Counsel

Sen. Ronnie A. Sabb

Sen. Tom Young Jr.

Rep. J. Todd Rutherford

Rep. Chris Murphy

Hope Blackley-Logan

Lucy Grey McIver

Andrew N. Safran

J.P. "Pete" Strom Jr.



Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 16, 2020

THURSDAY, JANUARY 16, 2020

Dear Members of the General Assembly:

Enclosed is the Judicial Merit Selection Commission's Report of Candidate Qualifications. This Report is designed to assist you in determining how to cast your vote. The Commission is charged by law with ascertaining whether judicial candidates are qualified for service on the bench. In accordance with this mandate, the Commission has thoroughly investigated all judicial candidates for their suitability for judicial service.

The Commission's finding that a candidate is qualified means that the candidate satisfies both the constitutional criteria for judicial office and the Commission's evaluative criteria. The attached Report details each candidate's qualifications as they relate to the Commission's evaluative criteria.

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on Tuesday, January 21, 2020**. **Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, January 21, 2020. In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after the release of the Judicial Merit Selection Commission's Report of Candidate Qualifications.** If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,

Representative G. Murrell Smith Jr.

THURSDAY, JANUARY 16, 2020
Judicial Merit Selection Commission

Rep. G. Murrell Smith Jr., Chairman
Counsel
Sen. Luke A. Rankin, Vice Chairman
Sen. Ronnie A. Sabb
Sen. Tom Young Jr.
Rep. J. Todd Rutherford
Rep. Chris Murphy
Hope Blackley-Logan
Lucy Grey McIver
Andrew N. Safran
J.P. "Pete" Strom Jr.

Erin B. Crawford, Chief
Emma Dean, Counsel



Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6623

January 16, 2020

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the current screening.

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission ("Commission"). The purpose of this section was to ensure that members of the General Assembly had full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that "the prohibitions of this section do not extend to ***an announcement of candidacy by the candidate and statements by the candidate*** detailing the candidate's qualifications" (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

In April 2000, the Commission determined that Section 2-19-70(C) means ***no member of the General Assembly should engage in any form of communication, written or verbal, concerning a judicial candidate before the 48-hour period expires following the release of the***

THURSDAY, JANUARY 16, 2020

Commission's report. The Commission would like to clarify and reiterate that until at least 48 hours have expired after the Commission has released its final report of candidate qualifications to the General Assembly, ***only candidates, and not members of the General Assembly***, are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates' qualifications.

The Commission would again like to remind members of the General Assembly that ***a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate's fitness*** for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Sincerely,

Representative G. Murrell Smith Jr.

Chairman

INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission's findings, as well as each candidate's qualifications as they relate to the Commission's evaluative criteria. The Commission operates under the law that went into effect on July 1, 1997, as amended, and which dramatically changed the powers and duties of the Commission. One component of this law is that the Commission's finding of "qualified" or "not qualified" is binding on the General Assembly. The Commission is also cognizant of the need for members of the General Assembly to be able to differentiate between candidates and, therefore, has attempted to provide as detailed a report as possible.

The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has asked candidates their views on issues peculiar to service on the court to which they seek election. These questions were posed in an effort to provide members of the General Assembly with more information about candidates and the candidates' thought processes on issues relevant to their candidacies. The Commission has also engaged in a more probing inquiry into the depth of a candidate's

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experience in areas of practice that are germane to the office he or she is seeking. The Commission feels that candidates should have familiarity with the subject matter of the courts for which they offer, and feels that candidates' responses should indicate their familiarity with most major areas of the law with which they will be confronted.

The Commission also used the Citizens Committees on Judicial Qualifications as an adjunct of the Commission. Since the decisions of our judiciary play such an important role in people's personal and professional lives, the Commission believes that all South Carolinians should have a voice in the selection of the state's judges. It was this desire for broad-based grassroots participation that led the Commission to create the Citizens Committees on Judicial Qualifications. These committees are composed of individuals who are both racially and gender diverse, and who also have a broad range of professional experiences (*i.e.*, lawyers, teachers, businessmen, bankers, and advocates for various organizations). The committees were asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviewed the candidates from its assigned area and also interviewed other individuals in that region who were familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provided the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then used these reports as a tool for further investigation of the candidate if the committee's report so warranted. Summaries of these reports have also been included in the Commission's report for your review.

The Commission conducts a thorough investigation of each candidate's professional, personal, and financial affairs, and holds public hearings during which each candidate is questioned on a wide variety of issues. The Commission's investigation focuses on the following evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental health, experience, and judicial temperament. The Commission's investigation includes the following:

- (1) survey of the bench and bar through BallotBox online;
- (2) SLED and FBI investigation;
- (3) credit investigation;
- (4) grievance investigation;
- (5) study of application materials;
- (6) verification of ethics compliance;
- (7) search of newspaper articles;
- (8) conflict of interest investigation;

THURSDAY, JANUARY 16, 2020

- (9) court schedule study;
- (10) study of appellate record;
- (11) court observation; and
- (12) investigation of complaints.

While the law provides that the Commission must make findings as to qualifications, the Commission views its role as also including an obligation to consider candidates in the context of the judiciary on which they would serve and, to some degree, govern. To that end, the Commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.

Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision. **Please note that the candidates' responses included herein are restated verbatim from the documents that the candidates submitted as part of their application to the Judicial Merit Selection Commission. All**

THURSDAY, JANUARY 16, 2020

candidates were informed that the Commission does not revise or alter the candidates' submissions, and thus, any errors or omissions in the information contained in this draft report existed in the original documents that the candidate submitted to the Commission.

This report conveys the Commission's findings as to the qualifications of all candidates currently offering for election to the South Carolina Supreme Court, Court of Appeals, Circuit Court, Family Court, and Administrative Law Court.

**SUPREME COURT
QUALIFIED AND NOMINATED**

**The Honorable George C. James Jr.
Supreme Court, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Justice James meets the qualifications prescribed by law for judicial service as a Supreme Court Justice.

Justice James was born in 1960. He is 59 years old and a resident of Sumter, South Carolina. Justice James provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Justice James.

Justice James demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Justice James reported that he has not made any campaign expenditures.

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Justice James testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Justice James testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Justice James to be intelligent and knowledgeable.

Justice James reported that he has taught the following law-related courses:

- a) I spoke at the Master-in-Equity Bench-Bar Seminar in October 2017: "Deep Keel and Related Authentication and Business Records Issue: Square Peg, Meet Round Hole."
- b) I participated on a judicial panel at the South Carolina Injured Workers' Advocates annual meeting in November 17, 2017.
- c) I participated on a judicial panel at the Annual Solicitors' Conference on September 21, 2014.
- d) I participated on a judicial panel at the Annual Solicitors' Conference on September 23, 2013.
- e) I participated on a judicial panel sponsored by the National Business Institute entitled "What Civil Court Judges Want You to Know" on September 16, 2011.
- f) Circuit Judge R. Ferrell Cothran, Jr. and I have spoken to the Third Judicial Circuit solicitors, private attorneys, and public defenders on South Carolina and U.S. Supreme Court case law on traffic stops and Rule 609, SCRE impeachment.
- g) I was an instructor at the National Judicial College in Reno, Nevada from June 9-12, 2008 in conjunction with its Advanced Evidence course.
- h) I was a speaker at an S.C. Bar CLE on October 2, 2015 entitled "Third Circuit Tips from the Bench".
- i) I was part of a judicial panel at the 2014 S.C. Bar Convention sponsored by the Torts & Insurance Practice/Young Lawyers Division.

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- j) I was a guest judge at the SCDTAA Trial Academy on June 5, 2009, April 19, 2013 and April 25, 2014.

Justice James reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Justice James did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Justice James did not indicate any evidence of a troubled financial status. Justice James has handled his financial affairs responsibly.

The Commission also noted that Justice James was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Justice James reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Justice James reported that he has not served in the military.

Justice James reported that he has never held public office other than judicial office.

(6) Physical Health:

Justice James appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Justice James appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Justice James was admitted to the South Carolina Bar in 1985.

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He gave the following account of his legal experience since graduation from law school:

- (a) Richardson, James and Player, 1985-1997
- (b) Richardson and James, 1997-2000
- (c) Lee, Erter, Wilson, James, Holler and Smith, L.L.C., 2000-2006
- (d) Circuit Court judge, 2006-February 2017
- (e) Supreme Court, February 2017 to the present

During my years in private practice, I had a very busy trial practice. I handled the defense of personal injury cases in state court. I defended governmental entities and law enforcement officers in 42 U.S.C. §1983 cases and tort cases in state court and federal court. I represented insurance carriers in arson and other insurance fraud cases. I also represented plaintiffs in personal injury cases. I also advised and represented business entities and handled business transactions.

In all three law firms with which I was associated, I supervised my immediate staff, and during my time with Richardson, James and Player and with Richardson and James, I had a more overall supervisory role with all staff than I did with Lee, Erter, Wilson, James, Holler and Smith. All three firms had IOLTA trust accounts and I was responsible, as was any partner, for accurate record-keeping of those accounts.

Justice James reported that he has held the following judicial office(s):

From July 1, 2006 until February 7, 2017, I served as a circuit judge (Resident Seat 2, Third Judicial Circuit). I was elected by the General Assembly in 2006 and was re-elected in 2012. The Circuit Court is a trial court of general jurisdiction (common pleas court and court of general sessions) and has appellate jurisdiction over appeals from the summary court. I currently hold Seat 5 on the Supreme Court of South Carolina. I was elected by the General Assembly to fill an unexpired term on February 1, 2017 and was sworn in on February 7, 2017. The Supreme Court is the court of last resort in South Carolina and has appellate jurisdiction and original jurisdiction.

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Justice James provided the following list of his most significant orders or opinions:

- (a) South Carolina Department of Social Services v. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018). I authored this opinion in which the Supreme Court clarified the issue of standing for foster parents in adoption cases.
- (b) State v. Beaty, 423 S.C. 26, 813 S.E.2d 502 (2018). I authored this opinion in which the Supreme Court addressed the issue of the content and order of closing argument in criminal trials.
- (c) State v. Robinson, Op. No. 27883 (S.C.Sup.Ct. filed May 8, 2019) (Shearouse Adv.Sh. No. 19 at 8). This opinion will be published after Westlaw processes it in final form. I authored the opinion in which the Supreme Court detailed the appropriate method of impeaching the credibility of witnesses through the use of Rule 609 of the South Carolina Rules of Evidence.
- (d) Wright v. PRG Real Estate Management, 426 S.C 202, 826 S.E.2d 205 (2019). I authored the opinion in which the Court clarified the applicability of the Restatement (Second) of Torts, § 323, to the undertaking of a duty by an apartment complex to provide security service to its tenants.
- (e) Palmetto Mortuary Transport, Inc. v. Knight Systems, Inc., 424 S.C. 444, 818 S.E.2d 724 (2018). I authored the opinion in which the Court addressed the reasonableness and enforceability of a noncompete covenant in a contract for the sale of a business.

Justice James further reported the following regarding unsuccessful candidacies:

I was an unsuccessful candidate for an at-large Circuit Court seat in 1999

- (9) Judicial Temperament:
The Commission believes that Justice James' temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications reported Justice James to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability,

THURSDAY, JANUARY 16, 2020

character, reputation, experience, and judicial temperament; and “Qualified” in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated, “All comments, both on a personal and professional basis, regarding Justice James were extremely positive.”

Justice James is married to Dena Owen James. He has two children.

Justice James reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) American Bar Association (I was just nominated but have not yet been elected, to serve on the Executive Committee of Appellate Judges Conference)
- (c) Pee Dee Inn of Court

Justice James provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Sunset Country Club
- (b) Sumter Cotillion
- (c) Sumter Assembly
- (d) Les Trente
- (e) Thalian Club
- (f) Matthew J. Perry Civility Award, 2009, awarded by the Richland County Bar Association
- (g) The Citadel Alumni Association
- (h) The Citadel Brigadier Club
- (i) Wilson Hall School, Board of Trustees
- (j) Caroliniana Ball

Justice James further reported:

I believe I have served capably and honorably on the Supreme Court during the past two years and five months. I would be honored to be elected to a full term. I believe my work ethic has allowed me to develop into an able appellate judge. My life as a practicing lawyer with a very busy litigation practice required a wide range of legal knowledge, both practical and technical. My experience has taught me that intense preparation is a

THURSDAY, JANUARY 16, 2020

key to being an effective trial lawyer and an effective judge.

- (11) Commission Members' Comments:
The Commission commented that Justice James has an outstanding reputation as a jurist. They remarked on his great intellect and temperament, which have ably served him in discharging his responsibilities on the Supreme Court.
- (12) Conclusion:
The Commission found Justice James qualified, and nominated him for re-election to the Supreme Court, Seat 5.

**COURT OF APPEALS
QUALIFIED AND NOMINATED**

**The Honorable Stephanie Pendarvis McDonald
Court of Appeals, Seat 7**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge McDonald meets the qualifications prescribed by law for judicial service as a Court of Appeals judge.
- Judge McDonald was born in 1969. She is 51 years old and a resident of Charleston, South Carolina. Judge McDonald provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge McDonald.

Judge McDonald demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

THURSDAY, JANUARY 16, 2020

Judge McDonald reported that she has made \$89.10 in campaign expenditures for postage.

Judge McDonald testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge McDonald testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge McDonald to be intelligent and knowledgeable.

Judge McDonald reported that she has taught the following law-related courses:

- (a) I presented on "Appellate Court" at the 2019 New Circuit Judges Orientation School;
- (b) I served as a panelist on "Leading from the Bench" at The Citadel's 12th Annual Principled Leadership Symposium (2019);
- (c) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2019 Trial Academy;
- (d) I served as a panelist at the SC Defense Trial Attorneys' Women in Law Committee 2019 forum titled "Can We Really Have It All? (A discussion about challenges unique to female professionals)";
- (e) I co presented a three hour program on "Tips from the Bench" at CSOL's 2nd Annual CLE Seminar on November 30, 2018;
- (f) I presented at the SC Bar's 2018 CLE "The Unauthorized Practice of Law and How it Impacts Licensed Attorneys";
- (g) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2018 Trial Academy;
- (h) I served as a trial judge and presenter at the SC Defense Trial Attorneys' 2017 Trial Academy;

THURSDAY, JANUARY 16, 2020

- (i) I served on a panel addressing questions relating to appeals in workers' compensation cases at the Injured Workers' Advocates 2017 Annual Meeting;
- (j) I served as a panelist at the Charleston County Bar's 2017 "What Works" CLE;
- (k) I served as a panelist for the SC Bar's 2016 "Ethics with the Judges" Sporting Clays CLE;
- (l) I served as a trial judge and speaker at Professor Debra Gammons's 2016 CSOL Mock Trial competition;
- (m) I co presented on "How to Best Present Your Case Before the Appellate Courts" for lawyers attending the 2015 Injured Workers' Advocates Annual Meeting;
- (n) I presented on "Tips from the Appellate Bench" at the Fourteenth Circuit's 2015 "Tips from the Bench: What Your Judges Want You to Know" CLE
- (o) I served as a panelist for the 2015 SC Women Lawyers Association's 2015 breakfast program on women running for public office;
- (p) I served as a panelist for the 2015 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (q) I presented on the "Top Ten Ways to Avoid Reversal on Appeal" at the 2015 South Carolina Circuit Judges Conference;
- (r) I served as a panelist for the 2014 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (s) I spoke on the topic of "Civility, Competence, and Candor: Minding your Manners to Avoid Obvious Courtroom Pitfalls" at the 2014 USC School of Law's Reunion CLE;
- (t) I served as a panelist for "A View from the Bench" for lawyers attending the SC Association for Justice's 2014 Annual Meeting;
- (u) I served as a panelist for the 2013 "Ethics with the Judges" SC Bar Sporting Clays CLE;
- (v) I served as a panelist for "Tips from the Bench" for lawyers attending the 2013 SC Defense Trial Attorneys Summer Meeting;
- (w) I served as a panelist for the 2013 SC Bar Program "Fast Break on Fast Track Jury Trials: How it will Work";
- (x) I spoke to law students attending the 2013 CSOL Professionalism Series on "Professionalism in the Courthouse";

THURSDAY, JANUARY 16, 2020

- (y) In 2013, I presented a lunch program on “Mental Health Issues and the Courts” to the Historic Rotary Club of Charleston;
- (z) I served as a trial judge and presenter at the SC Defense Trial Attorneys’ 2012 Trial Academy;
- (aa) I spoke on “Ethics in the Courtroom” at the Charleston Lawyers Club’s 2012 “Tips from the Bench and Bar” CLE;
- (bb) I co presented on “The Fairness in Civil Justice Act of 2011” at the 2011 SC Defense Trial Attorneys Annual Meeting;
- (cc) I served as a panelist for the 2011 “Ethics with the Judges” SC Bar Sporting Clays CLE;
- (dd) In 2010, I served on the faculty for a day long CLE seminar on “The Mechanics of Civil Procedure”;
- (ee) In 2006, I spoke at the Insurance Reserve Fund’s Law Enforcement Defense Seminar (CLE) on recent developments in constitutional law and the changing composition of the Fourth Circuit and United States Supreme Court;
- (ff) At the 2004 South Carolina Conference of Countywide Elected Officials (SCACEE Conference), I spoke about the operation of South Carolina’s Freedom of Information Act and provided an update on recent South Carolina cases impacting countywide elected officials;
- (gg) In 2003, I taught a one hour session at the South Carolina Defense Trial Lawyers’ Trial Academy. I believe it was on cross examination;
- (hh) I presented the “Ethics” portion for the 2001 Charleston Lawyers Club Law Week CLE. The topic was “Ten Ways to Avoid the Office of Disciplinary Counsel and Tips for Handling that Dreaded Letter”;
- (ii) At the 2000 Conference for Attorneys to Assist Disciplinary Counsel, I provided an investigation checklist for Attorneys to Assist and spoke on how to conduct a thorough investigation;
- (jj) In 1998, I spoke at the American Bar Association’s Affiliate Outreach Seminar in Las Vegas about the South Carolina Bar Young Lawyer’s Division’s “Lawyers as Mentors” project and provided instruction for other YLDs interested in starting similar programs in their states; and

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- (kk) In 1997, I spoke at the American Bar Association's Affiliate Outreach Seminar in Tampa about the South Carolina Bar Young Lawyer's Division's "Citizenship in Schools" project and provided instruction for other YLDs interested in starting similar programs in their states.

Judge McDonald reported that she has co-authored the following:

Recent Developments in Government Operations and Liability Law: Annual Update on Public Official Immunities, The Urban Lawyer, 1997

(4) Character:

The Commission's investigation of Judge McDonald did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge McDonald did not indicate any evidence of a troubled financial status. Judge McDonald has handled her financial affairs responsibly.

The Commission also noted that Judge McDonald was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge McDonald reported that her last available rating by a legal rating organization, Martindale-Hubbell, was AV.

Judge McDonald reported that she has not served in the military.

Judge McDonald reported that she has never held public office other than judicial office.

I have not held public office other than judicial office, but in the past, I have been appointed by the Supreme Court to positions affiliated with the Office of Disciplinary Counsel. From 1999-2002, I served as an Attorney to Assist Disciplinary Counsel. From 2003-2011, I was an attorney member of the Judicial Conduct Commission. No such Ethics Commission reports were

THURSDAY, JANUARY 16, 2020

required until my election to the bench, and I have filed my Rule 501, SCACR, disclosure statement each year.

- (6) Physical Health:
Judge McDonald appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Judge McDonald appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge McDonald was admitted to the South Carolina Bar in 1994.

She gave the following account of her legal experience since graduation from law school:

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals to fill the vacancy existing upon the retirement of the Honorable Daniel F. Pieper.

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At Large, Seat 9, to fill the unexpired term of the Honorable J. Michelle Childs. As I needed some time to wind down my law practice, I was sworn in on June 30, 2011, and began work on the Circuit Court on July 1, 2011.

Before my election to the Circuit Court, I was in private practice. After taking the Bar exam, I worked as an associate at Stuckey & Kobrovsky in Charleston. This firm later became Stuckey & Senn. I was primarily a civil litigator in cases involving constitutional and governmental issues, but I also worked on some probate matters and business litigation. My first three solo trials involved constitutional claims in United States District Court.

I became quite ill while pregnant with my only child and was forced to take a two-month leave of absence for home intravenous treatments. Upon my return to work in August of 1997, I did not return to the law firm, but maintained a

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solo practice from August of 1997 through approximately 2003. During this time period, I handled appeals for several attorneys and firms, including:

Stuckey Law Firm
Sandra J. Senn, P.A.
Clawson & Staubes
Rhoad Law Firm (Bamberg)
Padgett Law Firm (Bennettsville)
Jennings and Harris (Bennettsville)
Jay Ervin (Darlington)

I also did other legal work for:

Joye Law Firm
David Whittington
Robert Gailliard
John Price Law Firm
E. Bart Daniel
J. Brady Hair
Larry Kobrovsky
Stanley Feldman

I continued to try cases with and handle appeals for attorney Sandy Senn during this time period, and in the early 2000s, we joined the late Teri Leinbach in the firm of Senn, McDonald, and Leinbach. In our law practice I handled a variety of appellate matters (for plaintiffs and defendants) as well as trial level civil defense for public officials, law enforcement agencies, state agencies, and local governments in state and federal courts.

I also served as a volunteer prosecutor for the South Carolina Attorney General's Criminal Domestic Violence Task Force. Most of that work took place in Orangeburg County.

I handled some trial level cases for plaintiffs, primarily in the field of employment discrimination and harassment, but I estimate that about 60% of my private practice work was in the area of civil defense.

At Stuckey and Senn, I did not handle financial or administrative matters, other than reviewing billing for my cases. From 1997 through approximately 2003, before

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joining Senn, McDonald, and Leinbach, I handled my own financial administrative matters. I did not maintain a trust account as all of my work during this time period was billed hourly to other attorneys and firms. At Senn, McDonald, and Leinbach, I was not involved with the trust account or the handling of the firm's general financial matters. I reviewed billing for my specified files and as needed for other attorneys or staff, and I handled some administrative personnel matters.

Judge McDonald reported that she has held the following judicial office(s):

On February 2, 2011, I was elected by the General Assembly to the position of Circuit Judge, At Large, Seat 9. I was sworn in on June 30, 2011, and served continuously until I began at the Court of Appeals on July 1, 2014.

The Circuit Court is South Carolina's Court of General Jurisdiction. It consists of the Court of General Sessions (criminal court) and the Court of Common Pleas (civil court). The Circuit Court also serves as a court of limited appellate jurisdiction, handling appeals from Probate Court, Magistrate's Court, and Municipal Court. Article 5 of Title 14 sets forth additional provisions relating to the operation of the Circuit Court.

I was Chief Administrative Judge for Common Pleas in the Ninth Circuit. (January 2014 – June 2014). For eighteen months prior to that, I was Chief Administrative Judge for General Sessions matters in the Ninth Circuit. (July 2012 – December 2013).

On May 28, 2014, I was elected by the General Assembly to Seat 7 of the South Carolina Court of Appeals. I began work at the Court of Appeals on July 1, 2014, and have served continuously since that time.

The Court of Appeals is a statutorily created court; § 14-8-200(a) sets forth its jurisdiction. Generally, the Court of Appeals has jurisdiction when an appeal is taken from an order or judgment of the Circuit Court, Family Court,

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Administrative Law Court, or Appellate Panel of the Worker's Compensation Commission. This section also authorizes the Supreme Court to provide by rule for the Court of Appeals to consider petitions for writs of certiorari in PCR matters.

Limitations upon the jurisdiction of the Court of Appeals are set forth in § 14-8-200(b). The Court does not consider appeals which include a death sentence; final rate-setting decisions of the Public Service Commission; the constitutionality of state laws or county or municipal ordinances, unless the Supreme Court determines the constitutional question is not a significant one and transfers the case; certain general obligation debt, revenue, and bonding matters; Circuit Court judgments addressing elections or election procedure; orders limiting an investigation by the State grand jury; or any order of the Family Court relating to an abortion sought by a minor.

Judge McDonald provided the following list of her most significant orders or opinions:

- (a) Stoney v. Stoney, 425 S.C. 47, 819 S.E.2d 201 (Ct. App. 2018), cert. denied June 28, 2019. This case arose from complex and extremely acrimonious marital litigation for which venue was changed from Charleston to Orangeburg County. In 2016, we reversed and remanded for a new trial, but on December 17, 2017, our Supreme Court accepted Husband and his Intervenor-Brother's petitions writs of certiorari and reversed because our initial opinion referenced both the "abuse of discretion" and "de novo" standards of review in procedural and substantive contexts. The Supreme Court then vacated its December 2017 opinion and refiled a substituted opinion on April 18, 2018.

Our opinion listed here followed the Supreme Court's April 2018 remand of the case to the Court of Appeals. Although this 2018 opinion omits any reference to the "abuse of discretion" standard (other than as related to the Family Court's handling of Brother's intervention), the result was the same—we remanded the case to the Family Court for a new trial on all remaining financial

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issues. This past June, the Supreme Court denied Husband and Intervenor-Brother's most recent petitions for writs of certiorari.

- (b) Allwin v. Russ Cooper Associates, Inc., 426 S.C. 1, 825 S.E.2d 707 (2019). This opinion addresses the application of the three-year statute of limitations and discovery rule in the context of complex construction litigation. Allwin's petition for a writ of certiorari is pending.
- (c) Britton v. Charleston County, Op. No. 2018-UP-368 (S.C. Ct. App. filed Sept. 19, 2018). This case addressed whether a fatal heart attack suffered by a sheriff's office employee responsible for coordinating radio communications for over one hundred first responders was compensable. Officers on-scene and at a nearby command post were facing an armed standoff in which two police officers had been shot.

We affirmed the Appellate Panel of the Workers' Compensation Commission's order affirming the single commissioner's finding decedent's heart attack was compensable because it was induced by "unexpected strain or overexertion in the performance of the duties of employment or by unusual and extraordinary conditions in the employment." The opinion addresses the application of the "heart attack" exception as well as a party's procedural right to seek rehearing before the Appellate Panel prior to any appeal to the Court of Appeals. The parties settled the case after the issuance of this authored unpublished opinion.

- (d) State v. Daise, 421 S.C. 442, 807 S.E.2d 710 (Ct. App. 2017). In this criminal appeal, we affirmed defendant's convictions for the murders of his girlfriend and her four-year-old son, the shooting (AWIK) of the couple's two-year-old son, possession with intent to distribute marijuana, and trafficking cocaine. The opinion addresses a number of issues relating to issue preservation, the Confrontation Clause, witness pitting, the admission of photographs, records production, and

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cumulative error. No petition for a writ of certiorari was sought; the remittitur was sent on January 22, 2018.

- (e) Klein v. Barrett, Op. No. 5647, 828 S.E.2d 773 (S. C. Ct. App. filed May 8, 2019). This appeal from family court is significant because it addresses joint custody and the allocation of guardian ad litem fees, two issues which continue to be problematic in Family Court litigation. We affirmed the Family Court's award of joint custody here and noted that our Supreme Court's analytical framework for considering joint custody dates back to 1969. Further, Justice Waller's 2003 case adopting the 1969 language imposes an "exceptional circumstances" requirement not specified by the General Assembly in 1996, when it codified joint custody as an option for Family Courts to consider in child custody determinations. See S.C. Code § 20-70-420(42) (Supp. 1996). No petition for a writ of certiorari was sought; the remittitur was sent on May 24, 2019.

Judge Katherine Tiffany and I will be presenting on the topic of joint custody in September at the S.C. Bar's annual "Hot Tips from the Coolest Domestic Law Practitioners" CLE.

Judge McDonald has reported no other employment while serving as a judge.

Judge McDonald further reported the following regarding unsuccessful candidacies:

In 2009, I was found to be qualified, but was not nominated, for the position of Circuit Judge, At-Large, Seat 8.

- (9) Judicial Temperament:
The Commission believes that Judge McDonald's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Judge McDonald to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and

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“Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee further stated, “Eminently qualified.”

Judge McDonald is not married. She has one child.

Judge McDonald reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
Positions held for the Young Lawyers Division:
 - Chair, Law School for Non-Lawyers project (1998)
 - Co-Chair, Lawyers as Mentors project (1997)
 - Chair, “Citizenship in Schools” project at Fraser Elementary School (1996)
 - Co-Chair, Lawyers for Literacy project (1995)
 - Delegate, ABA Annual Meeting (Young Lawyers Division), San Francisco, 1997
- (b) Charleston County Bar Association
- (c) Charleston Lawyers Club (1994-2004)
President, 1998-99
- (d) Federal Bar Association (former member)
- (e) South Carolina Women Lawyers Association
- (f) American Bar Association (Judicial Division)

Judge McDonald provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Mentor, South Carolina Lawyer Mentoring Program (2009-2010)
- (b) Board Member, South Carolina Bar Foundation (1998-2001)
- (c) Board Member, Association of Junior Leagues International, New York, NY (2006-2009)
- (d) President, Junior League of Charleston (2010-2011)
- (e) Commissioner, City of Charleston Mayor’s Office for Children, Youth & Families (2000-2003)
- (f) Chair and Parliamentarian, 120th Annual Meeting of the Episcopal Church Women of the Diocese of South Carolina (2004)
- (g) President, St. Philip’s Episcopal Church Women (ECW) (2003-2004)

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- (h) Member, City of Charleston Leadership Team, National League of Cities Municipal Leadership in Education Project (2001-2003)
- (i) Board Member, Youth Service Charleston (2001-2003)
- (j) Junior League of Charleston Community Impact Award (2002)
- (k) Leadership Charleston Class of 2001
- (l) Youth Mentor, Mitchell Elementary School (1998-2001)
- (m) Advisory Board, Charleston County School District Parenting Center, District #20 (2000-2001)

Judge McDonald further reported:

I has been my honor and privilege to serve on the Circuit Court and the Court of Appeals, and I hope the Commission and General Assembly will allow me to continue. While in private practice, I tried over forty (40) cases as either lead counsel or co-counsel, and I personally handled at least forty-five (45) appeals. I assisted other attorneys and firms with over twenty (20) others. I know what it means to be a practicing courtroom lawyer, and I believe this allows me to bring additional understanding to my judicial role with respect to my temperament, decision-making, and continuing study. Treating others with fairness, impartiality, integrity, and dignity—in life and in the courtroom—is critical to the practice of law and our judicial system. I hope I have demonstrated such characteristics during my time on the bench. Good temperament, patience, scholarship, and the willingness to make difficult decisions are important traits for any judge, and I am always working to try to improve in these areas.

- (11) Commission Members' Comments:
The Commission commented that Judge McDonald has an excellent reputation as a jurist and further serves the legal community through her public speaking.
- (12) Conclusion:
The Commission found Judge McDonald qualified, and nominated her for re-election to Court of Appeals, Seat 7.

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**CIRCUIT COURT
QUALIFIED AND NOMINATED**

**The Honorable Alison Renee Lee
Circuit Court, At-Large, Seat 11**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Lee meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Lee was born in 1958. She is 61 years old and a resident of Columbia, South Carolina. Judge Lee provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1984. She was also admitted to the Texas Bar in 1982 and the Louisiana Bar in 1983.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Lee.

Judge Lee demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Lee reported that she has not made any campaign expenditures.

Judge Lee testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Lee testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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- (3) Professional and Academic Ability:
The Commission found Judge Lee to be intelligent and knowledgeable.

Judge Lee reported that she has taught the following law-related courses:

- (a) I lectured at the August 1985 SC Bar program on settling the family court record on appeal;
- (b) I presented at the September 1985 SC Bar program on pretrial orders, sanctions and local rules in federal court;
- (c) I presented to the attorneys in SC Legislative Council in November 1993 on drafting criminal laws under the Sentencing Classification Act;
- (d) I lectured in May 1996, March 1997, May 1997, March 1998, and May 1998 at “Bridge the Gap” on practice before the Administrative Law Judge Division (now the Administrative Law Court);
- (e) I gave an update on practice before the Administrative Law Judge Division for a SC Bar program in January 1997;
- (f) I presented an update on practice and procedure rules before the Administrative Law Judge Division in March 1998;
- (g) I participated in a panel on “What Works and What Doesn’t” in May 1998 for the SC Women Lawyers’ CLE;
- (h) February 2000, I presented on circuit court motions and appeals;
- (i) December 2002, I presented on ethics;
- (j) I presented on behalf of the SC Women Lawyers’ CLE on the effective use of exhibits at trial in April 2003;
- (k) I participated in a panel on civility and ethics at the Black Lawyers Retreat in October 2004;
- (l) I participated in a panel discussion for the Criminal and Trial Advocacy Section in October 2005;
- (m) I participated in a panel discussion for the Black Lawyers CLE on tips from the bench in September 2006;
- (n) I spoke to lawyers in December 2006 at the Municipal Association meeting on ethics;

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- (o) I participated in a panel discussion in March 2015 during the SC Circuit Judges conference on complex litigation;
- (p) I presided over a mock criminal hearing on Stand Your Ground for the Black Lawyers CLE in September 2014;
- (q) I spoke to the SC Summary Court Judges meeting in August 2016 about appeals to Circuit Court;
- (r) I participated in a panel discussion at the Association of Corporate Counsel meeting in August 2017 on “Things Corporate/In-House Counsel should know about appearing in court.”

Judge Lee reported that she has not published any books and/or articles.

(4) Character:

The Commission’s investigation of Judge Lee did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission’s investigation of Judge Lee did not indicate any evidence of a troubled financial status. Judge Lee has handled her financial affairs responsibly.

The Commission also noted that Judge Lee was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Lee reported that she is not rated by any legal rating organization.

Judge Lee reported that she has not served in the military.

Judge Lee reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Lee appears to be physically capable of performing the duties of the office she seeks.

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- (7) Mental Stability:
Judge Lee appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Judge Lee was admitted to the South Carolina Bar in 1984.

She gave the following account of her legal experience since graduation from law school:

- (a) 1982 – 1983 Judicial Law Clerk, Hon. Isreal M. Augustine, Jr. Louisiana, Court of Appeals, Fourth Circuit
- (b) 1983 – 1984 Judicial Law Clerk, Hon. C. Tolbert Goolsby, Jr., South Carolina Court of Appeals
- (c) 1984 – 1989 Associate, McNair Law Firm, PA. General Litigation Defense 1984 to 1986; Corporate Section 1987, Labor and Employment Defense 1987 to 1989.
- (d) 1989 – 1994 Staff Counsel, S.C. Legislative Council, drafted legislation and amendments for members of the General Assembly in the areas of transportation, crime, corrections and prisons, and education.
- (e) 1994 – 1999 Administrative Law Judge, Administrative Law Judge Division (now Administrative Law Court), presided over administrative hearings related to insurance, environmental permitting, alcoholic beverage permits, wages, taxes, video poker, bingo, appeals from occupational licensing boards, and hearings on regulations promulgated by certain state agencies.
- (f) 1999 – present S.C. Circuit Court Judge At Large, statewide general jurisdiction court, presiding over trials and hearings in criminal and civil matters, appellate jurisdiction over municipal, magistrate, and probate cases. Previously presided over appeals involving ALC decisions, workers' compensation, state grievance matters, and unemployment compensation until jurisdiction was moved to the Court of Appeals by the legislature. I am also one of eight judges statewide assigned to handle specialized cases in Business Court. Currently Chief Administrative Judge for the Eleventh Circuit until end of December 2018.
- (g) March to May 2016 – Acting Judge, S.C. Court of Appeals. Member of three judge panel hearing appeals. Authored 6 opinions and responsible for several unpublished memoranda opinions.

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Judge Lee reported that she has held the following judicial office(s):

- (a) 1994 – 1999, elected, Administrative Law Judge, Seat 3
- (b) 1999 – present, elected, Circuit Court Judge At Large, Seat 11
- (c) March – May 2016 – Acting Judge, Court of Appeals. Appointed by Chief Justice of Supreme Court to serve during the absence of one of the judges.

Judge Lee provided the following list of her most significant orders or opinions:

- (a) Graham v. Town of Latta, Docket No. 2008-CP-13-00376 and 00377 (S.C. Cir. Court, Dillon Co. 2012), aff'd, 417 S.C. 164, 789 S.E.2d 71 (Ct. App. 2016). The plaintiffs were homeowners whose property was flooded during a severe rain event. They sued the Town of Latta claiming it failed to properly maintain the sewage and rainwater drainage system. Additionally, the plaintiffs alleged that problems with the pipes led to the overflow in their yard which caused the repeated flooding of the property. They sued claiming negligence, trespass and inverse condemnation. The town raised issues of immunity under the state's Tort Claims Act, which limits liability for a governmental agency. There were numerous motions relating to the immunity and the claims. I granted many of the motions, reserving the claim of negligence for the jury. The jury returned a verdict in favor of the plaintiffs. Both parties appealed. The Court of Appeals affirmed the rulings.
- (b) S.C. Insurance Reserve Fund v. East Richland County Public Service District, et al., Docket No. 2011-CP-40-02096 (S.C. Cir. Court, Richland Co. 2013), aff'd, 419 S.C. 149, 789 S.E.2d 63 (Ct. App. 2016), vacated on other grounds, 423 S.C. 55, 813 S.E.2d 873 (2018). This was a declaratory judgment action filed by the Insurance Reserve Fund to determine whether it was required to defend the East Richland County Public Service District in an action filed by Coley Brown claiming trespass, inverse condemnation, and negligence from the operation of a sewer force main and air relief valve which caused offensive odors to be released on his property multiple times as day. The lawsuit required the interpretation of the insurance policy and provisions of the Tort Claims Act. I ruled that the claims were excluded

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under the policy provisions. The Court of Appeals affirmed the ruling.

- (c) State v. Tony Watson, Docket No. 2010-GS-40-10224 (S.C. Cir. Court, Richland County 2013). Watson was charged with murder for killing his fiancée's abusive ex-husband (the victim) when he came to Watson's house. After beating Watson in his own yard, the victim tried to go inside Watson's house to get the ex-wife and Watson shot him. Watson filed a motion to determine his immunity from prosecution under the Protection of Persons and Property Act based upon the Castle Doctrine. After an evidentiary hearing, I ruled that he was entitled to immunity from prosecution.
- (d) Chastain v. AnMed Health Foundation, et al., Docket No. 2005-CP-04-02388 (S.C. Cir. Court, Anderson Co. 2008), *aff'd*, 388 S.C. 170, 694 S.E.2d 541 (S.C. 2010). The plaintiff brought a medical malpractice claim against the charitable hospital and its nurses. The plaintiff had to establish that the nurses were grossly negligent to obtain a verdict against them individually. After hearing the testimony during the course of the week, the jury returned a verdict against the hospital only. The jury specifically found that the nurses were not grossly negligent. The hospital was a charitable organization which, under the statutes, would only be liable up to \$300,000 per occurrence. Based upon post trial arguments, I reduced the verdict to the statutory cap. The plaintiff appealed claiming that there was more than one occurrence and therefore her damages should not have been limited. On appeal, the decision was affirmed.
- (e) Curtis v. South Carolina, Docket No. 99-CP-23-02463 (S.C. Cir. Court, Greenville Co. 2000). Mr. Curtis sought to enjoin the state from enforcing a statute prohibiting the sale of urine in interstate commerce and to declare the statute unconstitutional. I declined to enjoin enforcement of the statute.

Judge Lee has reported no other employment while serving as a judge.

Judge Lee further reported the following regarding unsuccessful candidacies:

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- (a) 1997, Candidate for Circuit Court At Large, Seat 10, qualified and nominated
- (b) 2003, Candidate for Court of Appeals, Seat 6, qualified, not nominated
- (c) 2004, Candidate for Court of Appeals, Seat 1, qualified, not nominated
- (d) 2008, Candidate for Court of Appeals, Seat 3, qualified and nominated
- (e) 2009, Candidate for Court of Appeals, Seat 5, qualified, not nominated
- (f) 2016, Candidate for Court of Appeals, Seat 9, qualified and nominated
- (g) 2018, Candidate for Court of Appeals, Seat 1, qualified and nominated

(9) Judicial Temperament:

The Commission believes that Judge Lee's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Judge Lee to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also noted, "Very well qualified in all aspects."

Judge Lee is married to Kenzil Franklin Summey. She has two children.

Judge Lee reported that she was a member of the following Bar associations and professional associations:

- (a) South Carolina Bar
- (b) South Carolina Women Lawyers Association, Board of Directors, 2010-2015
- (c) South Carolina Black Lawyers Association
- (d) Richland County Bar Association
- (e) National Conference of State Trial Judges
- (f) American Bar Association
- (g) American College of Business Court Judges
- (h) John Belton O'Neill Inn of Court

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- (i) S.C. Supreme Court Commission on Continuing Legal Education and Specialization, 2011-2016
- (j) Louisiana State Bar
- (k) Texas State Bar

Judge Lee provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Columbia (SC) Chapter, The Links, Incorporated, President 2013-2014, Vice President 2012-2013 (currently an Alumna member)
- (b) Columbia City Ballet, Board of Directors, 2009-2016 (no longer a member)
- (c) Historic Columbia, Board of Directors, 2015 to present
- (d) Alpha Kappa Alpha Sorority, Inc.
- (e) Columbia Chapter, Moles, Inc.
- (f) Basilica of St. Peter, Finance Committee
- (g) Received the Judge Matthew J. Perry, Jr. Award for Outstanding Legal Service from the SC Black Lawyers Association in 2014
- (h) Received the Matthew J. Perry Civility Award from the Richland County Bar Association in 2017
- (i) Received an award from the SC Chapter of the Bench & Bar Spouses of the National Bar Association in 1999

(11) Commission Members' Comments:

The Commission noted that it appreciates the thoroughness, thoughtfulness, courtesy, and care Judge Lee brings to performing her duties on the Circuit Court bench.

(12) Conclusion:

The Commission found Judge Lee qualified, and nominated her for re-election to Circuit Court, At-Large, Seat 11.

Amanda A. Bailey
Circuit Court, At-Large, Seat 13

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Bailey meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

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Ms. Bailey was born in 1977. She is 42 years old and a resident of Myrtle Beach, South Carolina. Ms. Bailey provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003. She was also admitted to the North Carolina Bar in 2004.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Bailey.

Ms. Bailey demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Bailey reported that she has made \$143.78 in campaign expenditures for cards and postage.

Ms. Bailey testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Bailey testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Bailey to be intelligent and knowledgeable.

Ms. Bailey reported that she has taught the following law-related courses:

- (a) Class Instructor at Horry Georgetown Technical College teaching property law to paralegal students in 2005

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- (b) Moderated the Civil Law Update for the 2017 Trial and Appellate Advocacy Section CLE, South Carolina Bar Convention
- (c) Panel member at the Diversity Committee & Young Lawyer Division CLE, 2018, South Carolina Bar Convention

Ms. Bailey reported that she has not published any books or articles.

- (4) Character:
The Commission's investigation of Ms. Bailey did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Bailey did not indicate any evidence of a troubled financial status. Ms. Bailey has handled her financial affairs responsibly.

The Commission also noted that Ms. Bailey was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Ms. Bailey reported that her rating by a legal rating organization, Martindale-Hubbell, is AV Preeminent, and that her rating by a legal rating organization, Super Lawyers, is Rising Stars and Top Rated.

Ms. Bailey reported that she has not served in the military.

Ms. Bailey reported that she has never held public office.

- (6) Physical Health:
Ms. Bailey appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Ms. Bailey appears to be mentally capable of performing the duties of the office she seeks.

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(8) Experience:

Ms. Bailey was admitted to the South Carolina Bar in 2003.

She gave the following account of her legal experience since graduation from law school:

- (a) Judicial Law Clerk to the Honorable Kaye G. Hearn, August 2003 to May 2005: In my capacity as judicial law clerk to the Honorable Kaye G. Hearn, then Chief Judge of the South Carolina Court of Appeals, I prepared draft legal opinions, preliminary reports, and cases assessments regarding criminal, civil, family, workers compensation and administrative appellate cases. I read appellate briefs and records, researched legal issues, wrote bench memoranda, orally presented and fielded questions regarding cases from appellate judges, and assisted in drafting opinions.
- (b) The McNair Law Firm, P.A., now Burr Forman McNair, May 2005 to the present:
 - May 2005 to December 2010, Associate, general litigation practice. During this time period, I primarily practiced business litigation, representing both Plaintiffs and Defendants, but often handled non-business related general litigation including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as co-counsel or second-chair in litigation matters. I was not generally involved in the administrative or financial management of the firm.
 - January 2011 to present, Partner, general litigation practice. During this time period, I continued my primary practice in business litigation, representing both Plaintiffs and Defendants. I continued to handle other non-business related general litigation, including personal injury, probate court litigation, employment litigation, and general counsel representation. I primarily served as lead counsel in litigation matters. As a partner, I was involved in some administrative and financial management of the firm, and served on the associate development committee, strategic planning committee, and as co-chair of the litigation practice group.

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- January 2017 to December 2018, Unit Manager, general litigation practice. During this time period, I continued my primary practice set forth above and served as lead counsel in litigation matters. As Unit Manager of the Grand Strand Unit, I was involved in administrative and financial management of the firm, and served on the compensation committee and as co-chair of the litigation practice group. In my role as Unit Manager, with the supervision of the firm managing shareholder, I was responsible for the Grand Strand Unit personnel, equipment, and facility matters; file opening and conflict approvals; recruiting; office budgeting and financials; timekeeper budgeting, productivity, assignments, and work performance; and, overseeing of local trust accounts. In addition, as a member of the firm compensation committee, I assisted in evaluating, advising, and voting on firm shareholder and timekeeper compensation.
- January 2019 to Present, Office Managing Shareholder, general litigation practice. During this time period, I continued my primary practice as set forth above and served as lead counsel in litigation matters. As the Office Managing Shareholder for the Myrtle Beach office, I am involved in the administrative and financial management of the firm, in particular the Myrtle Beach office. In addition, I have been involved in undertaking and supervising local firm combination efforts in the Myrtle Beach office as a result of the combination of the McNair Law Firm, P.A. with Burr & Forman, LLP effective January 1, 2019.

Ms. Bailey further reported regarding her experience with the Circuit Court practice area:

Criminal Experience:

My experience in criminal matters has primarily been while working as a law clerk for then Chief Judge Kaye Hearn at the Court of Appeals. As a law clerk, I was involved in numerous criminal appeals, including guilty pleas, trials, post-conviction relief, and Anders appeals. My involvement included reviewing

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appellate briefs, guilty pleas, or trial transcripts, research and writing bench memoranda and opinions, and presenting cases to judges. Following my clerkship, I served on the Editorial Board for the South Carolina Post-Conviction Relief Manual, Second Edition, published in 2008. In private practice, I have been involved as defense counsel in a few criminal matters at the Magistrate Court level over the past sixteen years. I have also represented several criminal victims in their corresponding civil matters. In the context of such representation, I have closely followed the criminal proceedings in two murder trials in Horry County General Sessions and a guilty plea for conspiracy in the United States District Court, Florence Division.

Civil Experience:

My experience in civil matters has included a broad general litigation practice based primarily out of Horry County, South Carolina, but appearing in Circuit Courts throughout South Carolina, federal courts in both South and North Carolina, and occasionally state courts in North Carolina. I especially enjoy complex business litigation matters, but I represent both Plaintiffs and Defendants in a variety of types of litigation, including personal injury, real property, contract, probate litigation, insurance coverage, construction, employment, shareholder/member, class actions, and municipal disputes. I have handled litigation as lead counsel, assuming the primary responsibility for preparing strategy, supervising associates and staff, preparing pleadings, preparing and arguing motions, serving and answering discovery, taking and defending depositions, and trial. In addition to serving as lead counsel, I also continue serve as sole counsel or co-counsel as the case or client may dictate.

Ms. Bailey reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I regularly appear in federal court, typically with two to five cases pending in federal court per year. I have personally appeared and tried one federal case in South Carolina, and personally argued motions in federal court in North Carolina. The remaining appearances in federal court have been by way of electronic filing;

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- (b) State: I regularly appear in state court, primarily in Horry and Georgetown Counties, but also throughout South Carolina and occasionally in North Carolina state court. I typically argue motions in state court at least once a month, and typically try cases in state court one to three times per year, jury and/or non-jury.

Ms. Bailey reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 80%;
- (b) Criminal: less than 2%;
- (c) Domestic: 0%;
- (d) Other: 18%.

Ms. Bailey reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 65%;
- (b) Non-jury: 35%.

Ms. Bailey provided that during the past five years she most often served as sole counsel.

The following is Ms. Bailey's account of her five most significant litigated matters:

- (a) Hill, et. al v. Deertrack Golf and Country Club, Inc., et. al, 2012-UP-219. This was a class action regarding the rights and obligations of a developer of real property to adjoining land owners and impacted the use of several hundred properties in Horry County, South Carolina.
- (b) All Saints Parish Waccamaw v. Protestant Episcopal Church, 385 S.C. 428 (2009). This matter arose from an ecclesiastical dispute and real property dispute in Pawleys Island, South Carolina and involved significant historical and constitutional issues.
- (c) East Cherry Grove Realty Co. v. Gore, et. al, 2016-CP-26-5392. This matter impacted the use of improved residential real property of multiple homeowners abutting canals in the Cherry Grove Section of North Myrtle Beach.
- (d) SMIRF v. City of Georgetown and RSUI Indemnity Co., 2017-CP-22-0959. This matter determined the

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insurance coverage of tax payer funded municipal buildings damaged as a result of sinkholes.

- (e) Robertus L.C. Engle, et. al v. Sherry Engel and Timothy Rogers, 2009-CP-26-2104. This matter involved protecting the rights of crime victims to estate and insurance proceeds claimed by perpetrator.

The following is Ms. Bailey's account of five civil appeals she has personally handled:

- (a) Cribb v. Spatholt, 382 S.C. 490 (Ct. App. 2009)
- (b) McLaughlin v. Williams, 379 S.C. 451 (Ct. App. 2008)
- (c) Armstrong v. Atlantic Beach Mun. Election Com'n, 380 S.C. 47 (S.C. 2008)
- (d) Wallace v. Day, 390 S.C. 69 (Ct. App. 2010)
- (e) Rossi v. Intercoastal Village Resort Homeowners Ass'n, Inc., 2012-UP-221 (Ct. App., April 4, 2012)

Ms. Bailey reported that she has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Bailey's temperament would be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Ms. Bailey to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament.

The Committee also noted that, "Mrs. Bailey is highly intelligent and articulate. We believe she would make an excellent judge and would run a very efficient court."

Ms. Bailey is married to Daniel J. Bailey. She has three children.

Ms. Bailey reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Foundation Historical Society

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- (b) Chair, South Carolina Bar Trial and Appellate Advocacy Section, 2017-2018
- (c) Section Delegate, South Carolina Bar House of Delegates, 2018-2019
- (d) Member, South Carolina Bar
- (e) Member, American Bar Association
- (f) Member, TIPS section of ABA
- (g) Volunteer, S.C. Bar Law Related Education Division, Middle and High School Mock Trial

Ms. Bailey provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Carolina Forest Rotary Club, Treasurer/Secretary, eMember
- (b) Grand Strand Humane Society, President, Board of Directors
- (c) Beach Church
- (d) ExecuVision, now affiliated with the Myrtle Beach Area Chamber of Commerce, a founding member
- (e) First Robotics, volunteer and First Lego League coach

Ms. Bailey further reported:

I am not defined by one event in my life. Rather, when I put pen to paper on “other information” about my candidacy, I would be remiss if I neglected some of the rather ordinary things that have defined me.

I grew up the daughter of two very hard working parents. My dad is one of those individuals that knows how to fix everything and would rather do almost anything himself. He had a role in building or fixing almost every part of my childhood home. My mom is the type of person that cares deeply and unapologetically. Between the two of them, they raised two very hardworking children. My brother left home to join the Air Force and I left home to go to college. I worked all kinds of jobs from high school to law school and am lucky have found the practice of law in South Carolina. I am the only lawyer in my family.

I was married following my first year of law school. My husband, a non-lawyer, has the “fun” job but is equally hardworking. After law school, we moved to Conway, South Carolina, where I worked as a law clerk and my husband finished

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his degree at Coastal Carolina University. As a law clerk, I learned the value of mentorship and procedure.

I have been blessed by what I have learned from my mentors, both in and out of the law, and I have been professionally led by the procedures and rules of this State.

I currently work in a litigation practice that largely requires I track how I spend my time every day. I, like most lawyers, am keenly aware of the value of time, whether it be measured in six minute increments or lifetimes. I work hard to make the most of my time, as a litigator, co-worker, child, spouse, parent, and friend.

If elected to the Circuit Court bench, I will use the court's time and procedures sensibly to promote efficient and fair justice.

(11) Commission Members' Comments:

The Commission was impressed by the positive BallotBox comments Ms. Bailey received regarding her demeanor. The Commission noted her wealth of knowledge and enthusiasm for the profession. They commented that her varied experience makes her an excellent candidate for the Circuit Court.

(12) Conclusion:

The Commission found Ms. Bailey qualified, and nominated her for election to Circuit Court, At-Large, Seat 13.

**Debbie Chapman
Circuit Court, At-Large, Seat 13**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Chapman meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Chapman was born in 1960. She is 59 years old and a resident of Chapin, South Carolina. Ms. Chapman provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Chapman.

Ms. Chapman demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Chapman reported that she has not made any campaign expenditures.

Ms. Chapman testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Chapman testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Chapman to be intelligent and knowledgeable.

Ms. Chapman reported that she has taught the following law-related course:

Continuing legal education: Ms. Chapman was asked to speak regarding the sentencing guidelines by the Federal Public Defender's Office. This was several years ago. She cannot recall the date.

Ms. Chapman reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Chapman did not reveal evidence of any founded grievances or criminal allegations made against her.

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The Commission's investigation of Ms. Chapman did not indicate any evidence of a troubled financial status. Ms. Chapman has handled her financial affairs responsibly.

The Commission also noted that Ms. Chapman was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Chapman reported that she is not rated by any legal rating organization.

Ms. Chapman reported that she has not served in the military.

Ms. Chapman reported that she has never held public office.

(6) Physical Health:

Ms. Chapman appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Chapman appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Chapman was admitted to the South Carolina Bar in 1993.

She gave the following account of her legal experience since graduation from law school:

(a) J. Preston Strom Jr. August 1991 to June 1993

Attorney at Law

Columbia, S.C.

Law Clerk – Duties involved legal research and analysis, prepare legal documents, compile case materials for trial, interviewing clients, drafting letters to clients, solicitors or other parties, assisting with telephone inquiries and other routine administrative duties.

(b) Leigh Leventis, June 1993 to December 1995
Attorney at Law

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Columbia, S.C.

Law Clerk/Attorney – Duties included those of a law clerk until I passed the bar in November, 1993. As an attorney my duties changed to include criminal and civil litigation including magistrate, state and federal courts. Responsible for all aspects of client cases: analyzed case documents and evidence, developed case strategy, conducted legal research and writing, interviewed clients and witnesses, provided legal advice to clients, and represented clients at all court hearings.

- (c) Debra Y. Chapman, LLC December 1995 to present
Columbia, S.C.

Sole Practitioner – Represent clients in numerous criminal and civil matters at state and federal levels. Litigate an average of 125 cases per year. I also manage all aspects of my practice including, day to day operations, administration, profit and loss, business checking account, business savings account, trust account, and employee supervision.

Ms. Chapman further reported regarding her experience with the Circuit Court practice area:

The majority of my practice is criminal defense. I practice in both state and federal court. In state court, I have handled numerous drug trafficking cases, assault and battery with intent to kill, armed robbery, burglaries, breach of trust, fraud, forgeries, grand larceny, criminal sexual conduct, attempted murder, and murder. In federal court, I have handled human trafficking, white collar crimes, armed career offenders, bank robberies, drug conspiracies and adoption fraud. I attend bond/detention hearings, preliminary hearings, pretrial conferences, motion hearings, plea and sentencing hearings on both a federal and state level. I have handled approximately 294 federal criminal cases of which 42 were in the Fourth Circuit Court of Appeals. I have also been admitted pro hac vice in Florida and Georgia for federal criminal cases.

While most of my criminal cases are disposed of by way of plea negotiations, I have tried several cases in Circuit Court and Federal Court. The following is a list of cases I have tried solely or with co-counsel: State v. Keith Wilson - trafficking cocaine; United States v. Yuji Hitomi -

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conspiracy to utter forged securities; United States v. Mario Strachan - conspiracy to distribute drugs; State v. Juan Arroyo - distribution of heroin case, tried with co-counsel; United States v. Phyllis Harden – conspiracy to distribute drugs; and State v.orgetta Wiggleton – voter fraud, tried with co-counsel.

I have represented clients in post-conviction relief hearings, SCDMV administrative hearings, parole hearings, probation revocation hearings and small claims court. Both the post-conviction relief hearings and small claims court cases are adversarial in nature and witnesses are called and examined. Administrative court hearings also occasionally require the examination of witnesses in addition to extensive oral argument. To gain some experience and procedural knowledge in civil law, I have been involved as co-counsel in several personal injury cases, as well as a workers compensation case. We have discussed strategies, defenses, issues of negligence and damages. The cases I have been associated within the past five years are: Craig Corbett v. Georgina Robinson – personal injury; Debra Wickizer – workers' compensation; James Ricard v. Cary Bonivillain – personal injury; John Golden v. Gary Noble – personal injury. I was also co-counsel in Culbertson v. Culbertson, 95-1150, 95-1151, Fourth Circuit, (1998) which involved a violation of 18 U.S.C. § 2520 violation. We appealed this case to the Fourth Circuit on the issue of damages. I was on the brief and co-counsel argued. We both appeared for oral argument. If appointed Circuit Judge, I would certainly familiarize myself with the law, and if needed consult my fellow colleagues for advice.

I appear either in front of a Circuit Court Judge, Federal Judge, or Magistrate Judge on a weekly basis.

Ms. Chapman reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 40%;
- (b) State: 60%.

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Ms. Chapman reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 10%;
- (b) Criminal: 80%;
- (c) Domestic: 5%;
- (d) Other: 5%.

Ms. Chapman reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Ms. Chapman provided that during the past five years she most often served as sole counsel.

The following is Ms. Chapman's account of her five most significant litigated matters:

- (a) United States v. Dalton MacKenzie: My client was charged federally with three counts of Threatening a United States Public Official. After a mental evaluation it was determined he suffered from bi-polar disorder. He was found not guilty by reason of insanity at a bench trial. This case is significant because it was my first not guilty by reason of insanity.
- (b) State v. Matthew Dalton: Ten counts of Sexual Exploitation of a Minor 2nd Degree. This case involved online child pornography between two roommates and a classic issue of "who dun it". After extensive investigation and forensic computer analysis the case was dismissed against my client. Significant because these cases never get dismissed.
- (c) State v. Muhammed Furqan: This was a murder case where the defendant claimed self-defense. After investigating this case, a witness was found to corroborate the defendant's story. This case was significant because the witness was a child which involved other legal issues. He was allowed to plea to a lesser included charge for probation.
- (d) State v. Ryan Pyle: This was a DUI case that was dismissed. It is significant to me as it was my first DUI involving a moped. Called an expert to testify as to how fast the moped could go. This was a fun and interesting case.

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- (e) United States v. Anthony Hodges: This was a federal drug conspiracy in which I won a suppression motion with co-counsel. This case was significant because we won the motion and it dramatically reduced his exposure of incarceration.

The following is Ms. Chapman's account of the civil appeal she has personally handled:

- (a) Culbertson v. Culbertson, 95-1150, 95-1151, Fourth Circuit, (1998)

The following is Ms. Chapman's account of the criminal appeals she has personally handled:

- (a) United States v. Benjamin Holmes, 02-4871, Fourth Circuit Court of Appeals, 2002 – oral argument – not published.
- (b) United States v. Mario Strachan, 99-4119, Fourth Circuit Court of Appeals, - oral argument – not published.
- (c) United States v. Venson Jones, 13-4038, Fourth Circuit Court of Appeals, 2013
- (d) United States v. Mario Garcia, 13-4271, Fourth Circuit Court of Appeals, 2013
- (e) United States v. Kenneth Williams, 13-4516, Fourth Circuit Court of Appeals, 2013

Ms. Chapman further reported the following regarding unsuccessful candidacies:

I submitted an Application for United States Magistrate-2007; submitted an application for Lexington County Magistrate-2014.

- (9) Judicial Temperament:
The Commission believes that Ms. Chapman's temperament would be excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Chapman to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and

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“Qualified” in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, “Civil experience is limited but will have no problem gaining experience.”

Ms. Chapman is married to Michael Wayne McCaslin. She has two children.

Ms. Chapman reported that she was a member of the following bar and professional associations:

(a) South Carolina Bar Association

(b) Lexington County Bar Association

Ms. Chapman provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Ms. Chapman further reported:

I am one of six children that grew up in a small rural community. I was raised by loving parents and grandparents who had strong morals and work ethics for which I am very grateful. Because of extreme financial limitations there was no opportunity to further my education after high school. Those dreams were put on hold while I worked full time. Eventually I was financially able to attend the College of Charleston. I completed my under graduate degree in three years, while employed full-time as a secretary at the U.S. Attorney’s Office in Charleston. I then entered USC law and graduated in 1993. While attending law school, I worked as a law clerk and paid for my education.

I believe these experiences would assist me in holding judicial office. I have experienced life from several different perspectives. I understand what a person can achieve if they work hard and focus on a goal. I am now a proud member of the legal community and have been a sole practitioner since 1995. I haven’t forgotten where I came from and the significance of those experiences. I am not afraid to take on new challenges and I understand that hard work achieves results. Having appeared before Circuit Court Judges for the last 26 years, I feel very confident I know the duties required of the office. If appointed, I would strive and dedicate myself to apply the law as written, treat litigants and attorneys with courtesy, and pursue the

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administration of justice as provided by our statutes and case law.

- (11) Commission Members' Comments:
The Commission commented that Ms. Chapman is known to have a phenomenal work ethic and has a wealth of experience as a trial lawyer. They stated that she would make an excellent trial judge.
- (12) Conclusion:
The Commission found Ms. Chapman qualified, and nominated her for election to Circuit Court, At-Large, Seat 13.

**The Honorable Marvin H. Dukes III
Circuit Court, At Large, Seat 13**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Judge Dukes meets the qualifications prescribed by law for judicial service as a Circuit Court judge.
- Judge Dukes was born in 1961. He is 58 years old and a resident of Beaufort, South Carolina. Judge Dukes provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Judge Dukes.
- Judge Dukes demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.
- Judge Dukes reported that he has made \$530.00 in campaign expenditures for printing and stamps.

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Judge Dukes testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Dukes testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Dukes to be intelligent and knowledgeable.

Judge Dukes reported that he has taught the following law-related courses:

Before becoming Master-In-Equity, I taught several paralegal classes at our local community college. Since becoming Master, I have spoken at a number of CLEs including, but not limited to:

10/12 Masters Bench/Bar

06/13 Foreclosure Law

10/15 Tips from the Bench

02/17 Better Motions, Orders, Persuasion and Technology

Judge Dukes reported that he has not published any books or articles:

(4) Character:

The Commission's investigation of Judge Dukes did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Dukes did not indicate any evidence of a troubled financial status. Judge Dukes has handled his financial affairs responsibly.

The Commission also noted that Judge Dukes was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

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(5) Reputation:

Judge Dukes reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Judge Dukes reported that he has not served in the military.

Judge Dukes reported that he has held the following public offices:

- (a) I was an appointed member of the Beaufort County Planning Commission from 1995 until 1999.
- (b) I was an elected member of Beaufort County Council from 1999 until 2002. During my tenure on council I served as Vice-Chairman of the Council (1999-2002) and was Chairman of the Planning and School District Liaison committees. I also served as a member of other committees including the finance committee.
- (c) In 2005, I served as the appointed Chairman of the City of Beaufort Waterway Commission.

(6) Physical Health:

Judge Dukes appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Dukes appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Dukes was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

Upon graduation and admission to the bar in 1987, I was employed by the firm of Dowling, Sanders, Dukes, Williams and Svalina in Beaufort, SC. This firm changed in name and character a number of times over the years, finally dissolving in about the year 2000 (The name at that time was Dukes, Williams and Infinger), after which the remaining partners (including myself) opened individual P.A's and LLCs.

In my twenty years of practice prior to becoming Master, I worked in a primarily civil and domestic general practice with some criminal and contract work. In my early years

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of practice, I handled all of the criminal appointments for all of the attorneys in our small firm. Later, I transitioned into a primarily civil and domestic practice. During my career, I have handled a wide variety of cases, many with complex issues. My career experience includes virtually all aspects of litigation from mediation through the appellate level. During approximately 8-10 years of my practice, I operated as a sole practitioner and handled personally all aspects of administration, financial management and trust accounts.

In 2007, I was appointment Master-in Equity and Special Circuit Judge for Beaufort County. The job of Master-in-Equity involves judicial, financial and administrative duties. In my 12 years as Master, I have handled thousands of cases, including criminal appeals from Magistrate's Court, partition actions, partnership matters and extremely complex business disputes.

Judge Dukes reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: None
- (b) State: Two to three days per week

Judge Dukes reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 20%;
- (b) Criminal: 5%;
- (c) Domestic: 70%;
- (d) Other: 5%.

Judge Dukes reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 5%;
- (b) Non-jury: 95%.

Judge Dukes provided that during the past five years prior to his service on the bench, he most often served as sole counsel.

The following is Judge Dukes' account of his five most significant litigated matters:

- (a) Taylor, Cotton & Ridley, Inc. v. Okatie Hotel Group, LLC, 372 S.C. 89, 641 S.E.2d 459 (S.C.App. 2007)

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This was a very complex case involving a substantial mechanics lien, with several novel issues of set-off and cross-claim involving liquidated damages claims, materials shortages, interest disputes and a mold issue. The case originated in the year 2000, but due to the extensive testimony, the number of motions and finally the appeal, did not finally conclude until after the Appellate Court's ruling cited above. I was sole trial counsel. I assisted in the appeal.

- (b) **KJL v. LER, et al. (99-DR-07- 750)** This was an very unusual Family Court case in which I was hired by the State of Ohio department of Insurance to preserve a multi-million dollar claim of the department in the disputed marital holdings of the Family Court litigants. The case involved a mix of Family Court and civil issues including Statute of Elizabeth claims.
- (c) **TMR v PMR (04-DR-07- 659)** This was a divorce case in which the parties had been employed in the entertainment industry. It had a number of interesting valuation issues.
- (d) **JO v WBO (2005-DR-07-699)** This was a physician divorce case involving health issues which allegedly rendered the supporting spouse unable to assist in ongoing support.
- (e) **PAH v. LEH (94-DR-07-0211)** This was a complex equitable division case involving co-mingling of non-marital assets and property in the US virgin Islands. Ultimately it was successfully appealed (327 S.C. 360, 489 S.E.2d 212)

The following is Judge Dukes' account of five civil appeals he has personally handled:

- (a) **Miller v. Miller 92-DR-07-2005**
- (b) **Warner Advertising v. The Cabral Company 92-CP-07-1520**
- (c) **Upchurch Timber v. SouthEast Timberlands 92-CP-07-272**
- (d) **SC Federal Savings Bank v. Atlantic Land Title, et al 91-CP-07-853, 442 S.E.2d 630, 314 S.C. 292 (S.C. App., 1994)**

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Judge Dukes reported he has not personally handled any criminal appeals.

Judge Dukes reported that he has held the following judicial office(s):

I have served as Beaufort County Master-in-Equity and Special Circuit Judge for Beaufort County from June 2007 to present (12 years).

Judge Dukes provided the following list of his most significant orders or opinions:

(a) Town of Hilton Head Island v. Kigre, Inc. 408 S.C. 647, 760 S.E.2d 103 (S.C., 2014)

This case involved a Constitutional challenge to the application of Hilton Head's business license fee to sales of Kigre's military laser products sold outside Hilton Head.

(b) Estate of Tenney v. South Carolina Dept. of Health and Environmental Control, 393 S.C. 100, 712 S.E.2d 395 (S.C., 2011)

This was a "title to marshlands" case in which the Supreme Court, in affirming my Order, overturned the Coburg precedent on title to marshlands.

(c) Beaufort County School Dist. v. United Nat. Ins. Co., 392 S.C. 506, 709 S.E.2d 85 (S.C.App. 2011) This was a complicated insurance policy interpretation case.

(d) Wachovia Bank, N.A. v. Coffey, Wachovia Bank, N.A. v. Coffey, 404 S.C. 421, 746 S.E.2d 35 (S.C., 2013) This was a heavily-cited case involving the equitable defense of clean hands in a mortgage foreclosure where no attorney was used for the closing.

(e) King v. James, 388 S.C. 16, 694 S.E.2d 35 (S.C.App. 2010) This was a tax sale case where the statute of limitations was tolled as a result of lack of notice.

Judge Dukes has reported no other employment while serving as a judge.

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Judge Dukes further reported the following regarding unsuccessful candidacies:

- (a) In 1997, I was an unsuccessful candidate for the 14th Circuit Family Court bench.
- (b) In 2002, I was defeated in a primary race for SC House seat 124.
- (c) In 2013, I was an unsuccessful candidate for an At-Large Circuit Judge seat.
- (d) In 2017, I was an unsuccessful candidate for an At-Large Circuit Judge seat.

(9) Judicial Temperament:

The Commission believes that Judge Dukes' temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Dukes to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee further commented, "Superb judge; smart, great judicial temperament; needs to be a circuit judge (lucky to have him)."

Judge Dukes is married to Laura Campbell Dukes. He has one child.

Judge Dukes reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association, November 1987 to present
- (b) Master's Association 2007 to present. President 2012.

Judge Dukes provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Beaufort Yacht and Sailing Club
- (b) Jean Ribaut Society (debutante society)

Judge Dukes further reported:

I am the oldest of four brothers. Our parents emphasized the value of hard work, fairness, honesty and the golden rule. I

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practiced law for twenty years with the philosophy that following the core values our parents taught to us can never be wrong.

In my legal career, I did my best to solve problems and seek fair and just outcomes of disputes.

I have run a successful small law firm and I know the burden and the satisfaction of small business ownership, including making payroll and regulatory compliance. I have developed and redeveloped properties and understand and appreciate the difficulties and rewards of such endeavors.

I have served in public office as a County Council vice-chairman, a position that included serving on a number of committees on almost every government related subject.

I have sued and been sued and understand personally the value of a fair and just judicial system.

As Master-in-Equity I have done my best to live by the core values that have served me well in the past. I believe that due process is a combination of those values. Because I believe that a settlement between litigants is always better than a ruling from a 3rd party, I have always encouraged mediation wherever possible. In Court hearings, I insist on an atmosphere of "Disagree without being disagreeable".

During my service as Master, I have seen the fallout from the foreclosure crisis. Many of the decisions that I have made have been difficult, but they have not been made without careful consideration, due process and the exhaustion of all efforts to avoid forfeiture. In every case, I do my best to ensure that litigants and lawyers alike are treated with respect and fairness.

I believe that our entire judicial system rests on the people's understanding and confidence that win or lose, they were given a fair chance. As a Master-in-Equity it has been my goal to always guarantee that fair chance and to have all parties leave the Courtroom, knowing that they were heard.

Further, as Master, I have served in the role of president of the Master's association and have been instrumental in the modification of Court rules regarding foreclosures. As Master I have handled tens of millions of dollars in foreclosure proceeds, and through collection of fees and commissions, my office been a consistent profit center for the County.

I believe that 20 years of practicing law, 12 years of hearing cases as Master and Special Circuit Judge, and a lifetime

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of experience in property and business have given me the experience, temperament and demeanor to advance to the Circuit Court Bench.

Finally, my greatest achievement and enjoyment has been that of a husband and father. My wife and I work every day to pass on to our daughter the core values that have guided us.

- (11) Commission Members' Comments:
The Commission commented that Judge Dukes has an impressive reputation as a jurist and as an active member of the community.
- (12) Conclusion:
The Commission found Judge Dukes qualified, and nominated him for election to Circuit Court, At-Large, Seat 13.

**FAMILY COURT
QUALIFIED AND NOMINATED**

**Ernest Joseph Jarrett
Family Court, Third Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Third Judicial Circuit, Seat 3, two candidates applied for this vacancy, and one candidate withdrew before the Commission voted. Accordingly, the name and qualifications of one candidate is hereby submitted in this report.

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Jarrett meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Jarrett was born in 1967. He is 52 years old and a resident of Kingstree, South Carolina. Mr. Jarrett provided in his

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application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Jarrett.

Mr. Jarrett demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Jarrett reported that he has not made any campaign expenditures.

Mr. Jarrett testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Jarrett testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Jarrett to be intelligent and knowledgeable.

Mr. Jarrett reported that he has taught the following law-related courses:

- (a) I was an Adjunct Professor at Limestone College and taught Business Law (1997-2000).
- (b) I was the Co-Course Planner on "Children's Issues in the Family Court" (March 20, 2009) for the S.C. Bar.
- (c) I was a Speaker on "Constitution and the Bill of Rights" at Williamsburg Technical College (September 16, 2009).
- (d) I was the Co-Course Planner for "Dollars and Sense in Family Court" (October 6-8, 2011) at Grove Park Inn, Ashville, NC for the S.C. Bar.

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- (e) I was a Speaker at “Hot Tips” on “Form 4 – What Now?” (September 28, 2012) for the S.C. Bar.
- (f) I was the Co-Course Planner for “Fast Pass to the Child Custody Roller Coaster” (October 23-25, 2013) at The Yacht and Beach Club at Disney Resort in Orlando, FL for the S.C. Bar.
- (g) I was a Speaker at “Family Law Essentials” on “Equitable Division of Marital Assets” (June 27, 2014) for the S.C. Bar.
- (h) I was a Speaker at “Family Law Essentials” on “Orders of Protection” (June 26, 2015) for the S.C. Bar.
- (i) I was the Co-Course Planner for “Family Law Inside and Out” (October 20-22, 2016) at The Westin Savannah Harbor Golf Resort & Spa, Savannah, GA for the S.C. Bar.
- (j) I was a Speaker on “Child Hearsay in Family Court” at the Fifteenth Circuit Family Court CLE (February 13, 2017).
- (k) I was a Speaker on “Preparing Court Information Sheets” at Georgetown County DSS (February 14, 2017).
- (l) I was the Speaker on “Preparing Court Information Sheets” at Florence County DSS (February 16, 2017).
- (m) I was the Course Planner and Moderator for the “Family Law Intensive” (November 2-4, 2018) at the Grove Park Inn, Ashville, N.C. for the S.C. Bar.
- (n) I was the Speaker at the Horry County Foster Parent Association on “Navigating Foster Care Successfully” (November 13, 2018)
- (o) I was the Course Planner and Moderator for Family Law Seminar, S.C. Bar Convention (January 18, 2019).
- (p) I was the Speaker on “Preparing Court Information Sheets” at Georgetown County DSS (May 8, 2019)

Mr. Jarrett reported that he has published the following:

- (a) South Carolina Family Lawyer’s Toolkit, Second Edition (SC Bar 2010), Contributing Author
- (b) South Carolina Family Lawyer’s Toolkit, Third Edition (SC Bar 2017), Contributing Author

(4) Character:

The Commission’s investigation of Mr. Jarrett did not reveal evidence of any founded grievances or criminal allegations made against him.

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The Commission's investigation of Mr. Jarrett did not indicate any evidence of a troubled financial status. Mr. Jarrett has handled his financial affairs responsibly.

The Commission also noted that Mr. Jarrett was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Jarrett reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Mr. Jarrett reported that he has not served in the military.

Mr. Jarrett reported that he has held the following public office: Williamsburg County Board of Voter Registration and Elections Appointed by the Governor and Confirmed by the Senate March 15, 2010, to Present.

(6) Physical Health:

Mr. Jarrett appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Jarrett appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Jarrett was admitted to the South Carolina Bar in 1992.

He gave the following account of his legal experience since graduation from law school:

In August of 1992, I returned home to Kingstree following graduation from law school and completion of "Bridge the Gap" as an associate attorney for Jenkinson, Jenkinson, and McFadden, PA, to begin working for W. E. Jenkinson, III, Gordon B. Jenkinson, and Helen T. McFadden. I continue to practice law in this same firm. Jennifer R. Kellahan joined the firm as an associate in 1995. I became a partner in 1996 and the name of the firm was changed to Jenkinson, Jarrett

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& Kellahan, PA, in 1998. I have served as the Managing Partner since 2000 and have been responsible for overseeing all finances and administrative areas of the firm including the regular trust account, operating account, and the partnership account. I review all deposits and checks written on a daily basis and make sure all of our accounts are in order. (Jennifer R. Kellahan manages the Real Estate Trust Account). I oversee our associate attorneys, our office manager, the receptionist, the runners, and my paralegals. The other paralegals report directly to their respective attorneys, but the office staff meets weekly to discuss office procedures. If there is ever a personnel problem, I work with the office manager to resolve the issue.

As an associate attorney, I worked for all attorneys and did mostly civil litigation (Family, Magistrate, and Common Pleas) as well as real estate and probate work. I completed all research for the firm and wrote briefs and supporting memoranda to use in court. I was drawn to family court cases and as the years progressed, I concentrated more on these types of cases. In 1993, I contracted with the South Carolina Guardian Ad Litem Program and served as their attorney until 1995, when I then contracted with the South Carolina Department of Social Services. I have been serving as a DSS contract attorney in one or more counties since that time. I have also been the attorney for the Town of Kingstree since 1994. For the past twenty (20) years, my practice has focused almost exclusively in Family Court.

Mr. Jarrett further reported regarding his experience with the Family Court practice area:

During my last semester in law school, I interned with Family Court Judge William Byers. Since I did not have a part-time job, I spent every hour that I was out of class and he was in court watching and learning from him. I knew early on that I wanted to practice in Family Court and one day be a Family Court Judge. When I started as an associate, I learned all aspects of family law from Gordon B. Jenkinson. During the first five years I practiced law, I concentrated approximately one half of my practice handling cases involving divorce, equitable division of

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property, child custody, child support, adoption, name changes, birth certificates, annulments, and common law marriages. I have handled every type of case that a Family Court Judge handles many, many times. During my internship with Judge Byers, I spent my entire Spring Break with him while he held court in Clarendon County. Judge Turbeville had just been elected to the family court bench, and he sat with Judge Byers for that week as part of his training. As a result, Judge Turbeville and I developed a close relationship, and he has always been my mentor. He taught me how to conduct myself in court and taught me to always be prepared and know the rules and the law. I have been a contract attorney for the Department of Social Services handling abuse and neglect cases for over twenty-four years. I currently handle cases in Williamsburg, Georgetown, Horry, and Clarendon Counties. I have also represented DSS in Lee, Pickens, Sumter, and Florence Counties. I have handled hundreds of family court cases to include abuse and neglect, child support, equitable division, divorce, custody, termination of parental rights (both DSS and private), adoption, name changes, annulments, delayed birth certificates, Rules to Show Cause, amended birth certificates, and common law marriage. These cases have also included some complex equitable division cases. Although not in my primary practice area, I have handled approximately ten juvenile justice cases over the course of my practice. I have also observed many of these hearings on behalf of the Department of Social Services or while waiting in the courtroom for my cases to start. I would have no problem presiding over these types of cases. I also routinely served as guardian ad litem in contested custody and visitation cases. I am a certified Family Court Mediator and mediate family law cases on a regular basis.

As far as appearances, I have appeared in family court for at least one family court hearing 48 out of the past 52 weeks. Some weeks, I have had in excess of thirty hearings when I have back-to-back DSS court days in Williamsburg and Georgetown Counties. I primarily practice in Williamsburg, Sumter, Clarendon, Georgetown, Horry, Marion, Berkeley, and Florence Counties, but I have handled cases statewide when necessary.

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Mr. Jarrett reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Multiple (up to thirty) hearings weekly in Family Court

Mr. Jarrett reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%
- (b) Criminal: 0%
- (c) Domestic: 95%
- (d) Other: N/A

Mr. Jarrett reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 2%
- (b) Non-jury: 98%

Mr. Jarrett provided that during the past five years he most often served as sole counsel.

The following is Mr. Jarrett's account of his five most significant litigated matters:

- (a) SCDSS vs. Teresa Swindler, Anthony Shephard and Caroline Shepard Op. No. 2004-UP-313 (S.C.Ct.App. filed May 13, 2004). This case was tried in March of 2002 before Judge Lisa A. Kinon in Horry County and lasted several days. It was one of my first termination of parental rights cases. The case was contested and the Defendant father was extremely volatile. One of our witnesses had moved to North Carolina and we had to fly her in and meet her at the airport to bring her in to testify. There were numerous witnesses and exhibits to coordinate. I was successful in terminating the parental rights of the parents. Both parents appealed, and the Court of Appeals affirmed the ruling.
- (b) SCDSS vs. Veronica Denise Chandler and Monroe Holmes Op. No. 2016-UP-166 (S.C.Ct.App. filed April 1, 2016).

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Op. No. 2018-UP-003 (S.C.Ct.App. filed January 4, 2018).

This case was a complicated Termination of Parental Rights case where SCDSS sought termination of parental rights on both the mother and father, and Judge Pincus terminated the parental rights of both parents. The case was reversed by the South Carolina Court of Appeals and remanded back to Judge Pincus due to the admission of drug screens without the proper chain of custody. We had a full day remand hearing, and Judge Pincus again terminated the parental rights of both parents. The case was appealed a second time and oral argument was necessary. Judge Pincus was affirmed.

- (c) Robert M. Richardson, Sr. vs. Jean B. Richardson 2014-DR-22-602

Op. No. 2018-UP-277 (S.C.Ct.App. filed June 27, 2018).

This was a complicated equitable division case which involved a very contested transmutation issue and was tried before Judge Creech on January 25, 2016. We won on the transmutation issue, the equitable division issue, and the attorney's fees issue. The case was appealed by the Plaintiff to the South Carolina Court of Appeals and it was affirmed.

- (d) Randy Mobley vs. Sharon Mobley 93-DR-22-280

This case was tried on December 9 and 10, 1993, before Supreme Court Justice Kay Hearn when she was a Family Court Judge. This case was my first all-out custody case that lasted over two days, and I was up against a seasoned family court petitioner. I represented the father and was able to convince Judge Hearn to award the father custody of four young girls all under the age of ten. Back in 1993, it was not common for fathers to get custody of children, especially young girls. This case was probably my biggest case early on and established my reputation in custody actions. I have been able to watch all four of these girls grow into adults and have represented all of them over the years.

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- (e) James Dillon vs. Janelle Elizabeth Evans Turner 2015-DR-22-369

This matter was a divorce, contested custody, and equitable division case before Judge Bromell-Holmes. The big issue in the case was custody as the mother had relocated from Georgetown County to Georgia and since the temporary hearing, the parties were alternating week to week. Due to the distance between the homes, one parent had to be awarded primary custody of the minor child during the school year. It was very contested and involved much animosity and many witnesses. The exhibits included Facebook and other social media posts. I was able to win full custody for the father in Georgetown County and due to the distance involved, the mother was only awarded visitation one weekend per month during the school year.

The following is Mr. Jarrett's account of five civil appeals he has personally handled:

- (a) Williamsburg Rural Water vs. Williamsburg County Water
Williamsburg County, Town of Kingstree, et al
357 S.C. 251, 593 S.E.2d 154 (2003) and 367 S.C. 566, 627 S.E.2d 690 (2006)
- (b) SCDSS vs. Tammy A, Douglas A and John Doe
Op. No. 2011-UP-088 (S.C.Ct.App. filed March 3, 2011)
- (c) SCDSS vs. Fulton
Op. No. 2017-UP-244 (S.C.Ct.App. filed June 6, 2017)
- (d) SCDSS vs. Hitt
Op. No. 2016-UP-456 (S.C.Ct.App. filed November 9, 2016)
- (e) SCDSS vs. Sheakenia S.
Op. No. 2013-UP-089 (S.C.Ct.App. filed February 25, 2013)

Mr. Jarrett reported that he has not personally handled any criminal appeals.

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Mr. Jarrett further reported the following regarding unsuccessful candidacies:

In 2017, I ran for Family Court Judge, Third Judicial Circuit, Seat 1, and withdrew from the race.

(9) Judicial Temperament:

The Commission believes that Mr. Jarrett's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications reported that Mr. Jarrett was "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee stated in its summary statement, "Mr. Jarrett is an enthusiastic candidate who has been working his entire legal career with an eye towards a family court seat and we believe he will be an asset on the bench."

Mr. Jarrett is married to Josette Tisdale Jarrett. He has three children.

Mr. Jarrett reported that he was a member of the following bar and professional associations:

- (a) Williamsburg County Bar Association 1992 – Present
Secretary/Treasurer 1992 - 1996
- (b) Georgetown County Bar Association 2001 – Present
- (c) South Carolina Association for Justice 1993 – Present
- (d) Family Law Section Council of the South Carolina Bar
2008 – Present
Family Law Intensive Co-planner 2009 - Present
Chairperson-Elect 2017 - 2018
Chairperson 2018-2019
- (e) Supreme Court Commission on Docketing, Family
Court Committee 2017 - Present
- (f) South Carolina Family Court Bench-Bar Committee
2015 - Present
Nominating Committee 2017
- (g) South Carolina Bar Resolution of Fee Disputes Board
2014 - Present

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- (h) Office of the Disciplinary Counsel – Attorney to Assist
2005 - 2014
- (i) SC Bar Young Lawyer Division – 3rd Circuit
Representative 1994 – 2002
- (j) SC Bar Judicial Qualification Committee 2003 - 2006

Mr. Jarrett provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Williamsburg Academy Governing Board 2001 – 2018
Chairman 2003 – 2018
- (b) Kingstree Rotary 2000 – Present
Paul Harris Fellow
Past President 2009 - 2010
Projects Chair 2014 - 2018
President–Elect 2017 - 2018
President 2018-2019
- (c) Williamsburg County First Steps Board 2011 – 2018
Personnel Committee 2012 - 2018
Vice- Chairman 2014 - 2018
- (d) Kingstree United Methodist Church Member Birth –
Present
Council on Ministries (became Church Council) 1994 –
2002
Chairman of Council on Ministries 1997 – 2000
Long-Range Planning Committee 1996 - 1999
Church Council 2002 – Present
Chairman 2019 - Present
Committee on Lay Leadership 2001 - 2004
Trustees 2002-2005; 2015 - 2018
Vice-Chair 2005
Sunday School Teacher 2008 – Present
Youth Leader Assistant 1997 – Present
Bible School Leader 1993 – Present
Mission Trip Chaperone 1997 – 2015 (18 trips over the
Southeast)
- (e) South Carolina Independent School Association
Executive Committee
2010 – Present
- (f) Tri-County Regional Development Board 2012 – 2016

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Mr. Jarrett further reported:

I can remember attending a church conference one weekend where we had to write a personal life mission statement as one of our exercises. I do not remember the exact wording of my mission statement, but I remember it being something to the effect of “serving others by helping them through difficult times.” I have tried to devote my life to serving others professionally by representing them during some of the most trying and difficult times in their lives. I enjoy serving others. I have participated in eighteen mission trips through Kingstree Community Youth, the youth group sponsored by my church, Kingstree United Methodist Church. These mission trips have covered the Southeast where we go into the community, stay in a local school, and serve the residents during the week by repairing homes, painting, and helping to rebuild their lives. I think being selected as a Family Court Judge would allow me to further my life of service to others. I have patterned my career to position me to have the professional, academic, and ethical traits along with the proper temperament to do this job well. I deeply care about children’s issues as reflected by my professional work with the Department of Social Services and by my volunteer work with children and youth at Williamsburg Academy and my church. I want to see children thrive and grow up in a healthy and safe environment, and I always want what is best for them. I want to be fair, impartial, and treat each person that comes before the Family Court with dignity and respect. I realize that this is a very trying time in the lives of litigants and a Family Court Judge usually sees the worst side of people and relationships. However, I think I can have a positive impact on the lives of the litigants and especially the lives of children who are involved in Family Court proceedings.

- (11) Commission Member’ Comments:
The commission commented that Mr. Jarrett is an exemplary candidate with a great demeanor and is extremely well qualified to serve as a Family Court judge.
- (12) Conclusion:
The Commission found Mr. Jarrett qualified, and nominated him for election to Family Court, Third Judicial Circuit, Seat 3.

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The Honorable Michael S. Holt

Family Court, Fourth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Holt meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Holt was born in 1970. He is 49 years old and a resident of Hartsville, South Carolina. Judge Holt provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Holt.

Judge Holt demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Holt reported that he has not made any campaign expenditures.

Judge Holt testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Holt testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Holt to be intelligent and knowledgeable.

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Judge Holt reported that he has taught the following law-related courses:

I have been an Adjunct Professor, and I have taught, among other things, business law.

Judge Holt reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Holt did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Holt did not indicate any evidence of a troubled financial status. Judge Holt has handled his financial affairs responsibly.

The Commission also noted that Judge Holt was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Holt reported that he is not rated by any legal rating organization.

Judge Holt reported that he has not served in the military.

Judge Holt reported that he has held the following public office: I was elected as Mayor of the City of Hartsville, South Carolina from 2005 – 2009. I filed all required reports; however, there were late reports which resulted in fines, all of which were promptly paid.

(6) Physical Health:

Judge Holt appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Holt appears to be mentally capable of performing the duties of the office he seeks.

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(8) Experience:

Judge Holt was admitted to the South Carolina Bar in 1996.

He gave the following account of his legal experience since graduation from law school:

- (a) From 1996 to 2006 my practice experience would best be described as a general practice. My areas of focus were primarily in domestic litigation, criminal defense, Social Security disability and real estate, although I handled other matters, as well.
- (b) Beginning in 2006 until 2009 when I was elected to the Family Court bench, I operated my own law firm as a sole practitioner. My areas of primary practice did not change. Obviously, in managing my own firm, I was responsible for handling all financial matters.

Judge Holt reported that he has held the following judicial office(s):

I was elected in 2009 to Seat 3, Family Court of the Fourth Judicial Circuit. I have served continuously since that time.

Judge Holt reported he has not personally handled any civil or criminal appeals.

Judge Holt further reported the following regarding unsuccessful candidacies:

- (a) I was unsuccessful in the South Carolina Senate primary race in 1996.
- (b) I was unsuccessful in my attempt to be elected to the Court of Appeals, Seat 1 in 2018.

(9) Judicial Temperament:

The Commission believes that Judge Holt's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Holt to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of

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ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The committee stated in summary, "Judge Holt enjoys a reputation of being a compassionate judge who is committed to doing his best."

Judge Holt is married to Sherry Burton Holt. He has two children.

Judge Holt reported that he was a member of the following bar and professional associations:

- (a) SC Bar Association
- (b) Darlington County Bar Association
- (c) Pee Dee Inns of Court

Judge Holt provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Pee Dee Inns of Court
- (b) Kappa Alpha Order – Court of Honor
- (c) St. David's Society
- (d) Darlington County Historical Society

Judge Holt further reported:

My experiences as a leader in my community allowed me to transition to the Family Court bench with humility, patience and understanding. I believe these are all qualities all judges should reflect. Further, my experiences as a husband and father provide great insight into the issues dealt with in Family Court.

(11) Commission Members' Comments:

The Commission commended Judge Holt for his excellent BallotBox survey results and judicial temperament. The Commission appreciates and is impressed with his service on the Family Court bench.

(12) Conclusion:

The Commission found Judge Holt qualified, and nominated him for re-election to Family Court, Fourth Judicial Circuit, Seat 3.

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**Blakely Copeland Cahoon
Family Court, Fifth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Cahoon meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Cahoon was born in 1974. She is 45 years old and a resident of Columbia, South Carolina. Ms. Cahoon provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Cahoon.

Ms. Cahoon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Cahoon reported that she has not made any campaign expenditures.

Ms. Cahoon testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Cahoon testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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- (3) Professional and Academic Ability:
The Commission found Ms. Cahoon to be intelligent and knowledgeable.
Ms. Cahoon reported that she has taught the following law-related courses:
I have spoken in the past regarding elder law, estate planning and probate matters.

Ms. Cahoon reported that she has not published any books and/or articles.
- (4) Character:
The Commission's investigation of Ms. Cahoon did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Cahoon did not indicate any evidence of a troubled financial status. Ms. Cahoon has handled her financial affairs responsibly.

The Commission also noted that Ms. Cahoon was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.
- (5) Reputation:
Ms. Cahoon reported that she is not rated by any legal rating organization.

Ms. Cahoon reported that she has not served in the military.

Ms. Cahoon reported that she has never held public office:
- (6) Physical Health:
Ms. Cahoon appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Ms. Cahoon appears to be mentally capable of performing the duties of the office she seeks.

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(8) Experience:

Ms. Cahoon was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) Young Clement Rivers and Tisdale, LLP, Charleston SC. From June 2000-May 2001, I was a first-year associate with the firm in the practice areas of estate planning, probate, state and federal taxation and nonprofit law. I was not involved with the administrative or financial management of the firm. I had no management over the trust account(s).
- (b) Berry Quackenbush and Stuart, PA, Columbia SC. From August 2001 – September 2006. I was a general practice associate with the firm practicing primarily in the areas of estate planning, state and federal taxation, probate, elder law, family law, nonprofit law and general business issues. I had no responsibility for the administrative or financial management of the firm. I had no management over the trust account(s).
- (c) MerrittWebb, PLLC, Columbia SC. September 2006-March 31, 2011. I followed the managing partner of Berry Quackenbush and Stuart to MerrittWebb where I continued as a general practice associate with the firm practicing primarily in the areas of estate planning, state and federal taxation, probate, elder law, family law, nonprofit law and general business issues. I had no responsibility for the administrative or financial management of the firm. I had no management over the trust account(s).
- (d) Cahoon Law Firm, LLC, Columbia SC. April 1, 2011-present. I opened Cahoon Law Firm, LLC, on April 1, 2011. Since that time, I have primarily practiced in Family Court where I have handled clients matters related to all cases over which the Family Court has original jurisdiction. This includes divorce, child custody and child support, equitable apportionment of property, protective orders, alimony issues along with modifications of child custody and visitation, alimony and child support. I have been involved in all aspects of adoption. I have represented parents, grandparents and other caregivers. While I encourage my clients to try and resolve their issues without the need for a contested hearing, I have handled contested

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trials on these issues. I have had a 608 contract with the State of South Carolina through the Office of Indigent Defense to represent indigent parties in abuse and neglect cases since the program's inception. Currently, approximately eighty-five percent of my practice involves Family Court matters with the remaining fifteen percent of my practice related to estate planning, elder law, probate and general business work. As the owner and sole member, I am responsible for all administrative, accounting and financial management. The operating and trust account are held and operated in accordance with the required rules.

Ms. Cahoon further reported regarding her experience with the Family Court practice area:

For the past eight years, my practice has primarily consisted of Family Court matters. Within the past five years, I have appeared on average twice a week before a Family Court Judge. Many weeks I am in court at least two days with multiple hearings being scheduled on those days. I have experience in all areas of practice within the Family Court.

Divorce and Equitable Distribution of Property: I have handled divorces filed on the basis of the uncontested statutory ground of a one-year physical separation and those with fault grounds. I have represented individuals who were the victims of domestic violence and those who were alleged to have committed such domestic violence. I have tried cases that required my client to prove fault, whether adultery or habitual drunkenness or drug use, and I have defended clients who spouses alleged fault grounds. Many of these matters also involved contested equitable apportionment of property and division of debt. I have used experts to value homes, retirement accounts and other assets. I have dealt with the issues of non-marital property, inherited property and transmuted property. In all my cases, I encourage my clients to try to resolve the issues between them either through informal or formal mediation between the parties as this allows the client to determine what is best for his or her family and circumstances. When mediation does not resolve the outstanding issues, then I have prepared for and tried multi-issue matters.

Child custody: In issues of child custody, I have represented parents, grandparents and other relatives in seeking custody or visitation. I have handled de facto guardian and

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psychological parent cases. I have helped new parents who are not married and long term married couples with teenagers. In each case, I encourage parents and other caregivers to work together to resolve their issues as they know what is best for their child or children. I have helped families reach agreements that are flexible enough to grow with the child and hopefully allow the parents to work together with the need for additional legal action. The agreements generally involve schedules and parental conduct guidelines. In contested matters, I have worked with both attorney and lay Guardians ad Litem appointed for the children. I have also served as a Guardian ad Litem. When my clients have been unable to reach agreements often because of an issue such as mental health or addiction issues with the other party, then I have tried these issues. I have used experts regarding psychological evaluation and parenting evaluations. With custody issues, I have also handled the accompanying visitation and child support issues. While child support is primarily set by the child support guidelines, I have worked with my clients to ensure accurate income figures as well child care and insurance credits are presented to the court.

Adoptions: In the area of adoption, I have handled both contested and uncontested adoptions. This includes private adoptions and inner family adoptions. I have also assisted clients who were foster parents adopting their foster children from the custody of the Department of Social Services. I have also served as a Guardian ad Litem in this type of matter. I have helped secure the appropriate pre- and post-placement investigations for my clients along with handling the relinquishment of parental rights. I have assisted other attorneys by taking relinquishments from biological parents. I have represented parents whose parental rights were terminated so that an adoption could occur.

Abuse and neglect: I regularly defend parents or other caregivers who are alleged to have abused or neglected a child and parents whose children are brought into care because of the alleged inappropriate actions of the custodian. While many of my cases in this area are from a court appointment, I also have been privately retained to represent parents dealing with these issues. As a 608 contract attorney since the inception of the program in Richland and Kershaw counties, I have defended and assisted many parents who had issues such as poverty, lack of education, lack of work skills or experience, addiction, abusive relationships, and who were homeless. Some of my clients are

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products of the foster care system themselves. I have handled all types of hearings including probable cause hearings, merit hearings, judicial reviews, permanency planning hearings and termination of parental rights actions. I have handled matters that involved children subject to the Indian Child Welfare Act. I have helped non-offender parents get custody of their children from foster care. I have negotiated findings and appropriate treatment plans. I have helped my clients reach their treatment goals and defended their rights to visit their children. I have helped many clients reunite with their children after successfully completing treatment. On the other side, I have also represented parents in abuse and neglect matters that are unsuccessful in completing their treatment plans. Those clients, I then often represent in a termination of parental rights action where the court terminates their parental rights. I have handled severe cases including cases where a child died, and my client also faced significant charges on the criminal side of their case. I have filed actions to intervene on behalf of other relatives to obtain custody of children in foster care.

Juvenile justice: While in law school, I represented juveniles through my work with the juvenile justice clinic. I also volunteered as arbitrator in juvenile cases while in law school. I am familiar with the statutes and the process for juveniles who are involved in Family Court. I have handled abuse and neglect matters that were also Department of Juvenile Justice matters. While I have no significant court experience in this area, I believe that I would be able to work with the solicitor, public defender, Department of Juvenile Justice, Department of Mental Health, Department of Social Services and other parties in handling these cases. I am a quick study and the primary thing I learned while studying for my LL.M in taxation at the University of Florida was to how to read and interpret statutes as the law and accompanying regulations are always changing.

Ms. Cahoon reported the frequency of her court appearances during the last five years as follows:

- (a) Federal: N/A;
- (b) State: Weekly in Family Court

Ms. Cahoon reported the percentage of her practice involving civil, criminal, and domestic matters during the last five years as follows:

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- (a) Civil: 0%;
- (b) Criminal: 0%;
- (c) Domestic: 85%;
- (d) Other: Estate Planning, Probate, Elder Law, Taxation, General Business Law: 15%

Ms. Cahoon reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: N/A
- (b) Non-jury: 100%.

Ms. Cahoon provided that she most often served as sole counsel.

The following is Ms. Cahoon's account of her five most significant litigated matters:

- (a) SCDSS v. E.B. et al, 15-DR-28-661. This was a four-day contested Termination of Parental Rights action where I successfully defended a father. The Court determined that the South Carolina Department of Social Services had not met its burden of proof and my client's parental rights were not terminated. The trial consisted of many witnesses including expert testimony and testimony from the minor child. There was also a section 19-1-180 motion that was argued regarding the testimony of the minor child.
- (b) John and Jane Doe v. SCDSS, In re K. This was a foster care adoption where I represented the adoptive parents of a young lady who turned eighteen while in foster care. I helped this family finalize their adoption and get the name change for the young lady who was off to college and future success.
- (c) L. v. M., 16-DR-40-4681. I successfully defended my client in a one-day trial regarding a post-divorce modification action. My client was able to obtain a higher amount of child support and arrange visitation that was in the best interests of her family. My client tried to resolve the matter in mediation, but the other side would not agree. While I encourage my clients to try to settle matters, this trial resolved the matter in her favor and the other side was required to pay a portion of her attorney fees.
- (d) J v. N., J., 15-DR-32-01929. I filed this action on behalf of paternal grandparents to obtain custody of their two minor grandchildren. My clients were successful at the one-day

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trial in meeting their burden to show they were the children's psychological parents and they obtained legal and physical custody of their grandchildren. The defendant parents were ordered to pay child support and a portion of the grandparents' attorney fees.

- (e) SCDSS v. A.B., 15-DR-40-4726. I represented a single mother whose young daughter had been removed by the South Carolina Department of Social Services for allegations of medical and physical abuse. After researching the matter and reviewing medical information, I was able to file a successful motion to have the case dismissed for lack of medical evidence of abuse or neglect. My client was able to reunite with her daughter after she had been removed from her care for nine months.

The following is Ms. Cahoon's account of two civil appeals she has personally handled:

- (a) SCDSS v. C.S., 2019-000555. Currently on appeal.
- (b) SCDSS v. S.B., 2015-002008. Unpublished opinion affirmed the decision of the Family Court.

Ms. Cahoon reported that she has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Cahoon's temperament would be excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Ms. Cahoon "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee had no related comments.

Ms. Cahoon is married to Frank Ellwood Cahoon, III. She has two children.

Ms. Cahoon reported that she was a member of the following Bar associations and professional associations:

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- (a) South Carolina Bar Association
- (b) Richland County Bar Association

Ms. Cahoon provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Junior League of Columbia
- (b) Alala Cancer Society Board of Directors
- (c) Blythewood Soccer Club Board of Directors
- (d) Northeast United Methodist Church; Lay Leader, Chair of Administrative Counsel, certified lay servant for Columbia District

Ms. Cahoon further reported:

As a lawyer, I have seen the impact that a Family Court Judge has on the parties appearing before them. Family Court, more than any other court, is about people and the issues that affect families. From my personal experience as a child of divorced parents, as a parent to two children, from my daughter's adoption through foster care and my professional work with clients in all aspects of Family Court, I truly believe I can help other children and families who are navigating the Family Court system. Through my personal history and work experience, I understand the personal and legal issues that would be brought before me.

Family Court is often a frightening and stressful place. A courtroom where all parties feel safe, heard and respected can make a huge difference in how parties perceive and experience Family Court. This is an adversarial system so absent a settlement agreement between the parties; one or both parties is going to disagree with my decision. My biggest challenge would be wording my ruling in such a way to help parties who may be considered the losing side to understand that I heard and considered their viewpoint. As a Judge, I hope that my demeanor, courtesy, empathy, attention, knowledge and diligence would help facilitate a positive experience even when the parties disagree over the outcome. Even though they may not agree with my decision, I want the people who leave my courtroom, whether lawyers, pro se litigants, other parties or court personnel, to have felt that they were in a safe place, that their voice was heard, that they were respected, and that their outcome was based on a thoughtful, deliberate decision which

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was issued within the confines of the existing laws that govern Family Court.

- (11) Commission Members' Comments:
The Commission commented that Ms. Cahoon had broad experience, both personal and professional, in Family Court proceedings as well as financial expertise through her L.L.M. in Taxation. The Commission further expressed its appreciation for Ms. Cahoon's commitment to her work in Family Court.
- (12) Conclusion:
The Commission found Ms. Cahoon qualified, and nominated her for election to Family Court, Fifth Judicial Circuit, Seat 1.

**Laurel Eden Harvey Hendrick
Family Court, Fifth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Hendrick meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Hendrick was born in 1980. She is 39 years old and a resident of Columbia, South Carolina. Ms. Hendrick provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Hendrick.

Ms. Hendrick demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Hendrick reported that she has not made any campaign expenditures.

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Ms. Hendrick testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Hendrick testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Hendrick to be intelligent and knowledgeable.

Ms. Hendrick reported that she has taught the following law-related courses:

- (a) 2012-2014 Presented at Department of Social Services Continuing Legal Education Conferences on topics such as Foregoing Reasonable Efforts and the Role of the Foster Care Review Board in the Child Welfare System
- (b) August 2015 Presented at the Richland County Sheriff's Department School Resource Officers Back to School Training
- (c) Fall 2015 Conducted Training for the City of Columbia Police Department School Resource Officers
- (d) Fall 2015 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina School of Law
- (e) Fall 2015 presented an overview of the Juvenile Justice System during the train for the volunteer arbitrators in the Richland County Youth Arbitration Program
- (f) Spring 2016 Guest Lecturer for the Children's Law Office Course at the University of South Carolina School of Law about the Juvenile Justice System
- (g) Spring 2016 was the Attorney Supervisor for an extern through the University of South Carolina School of Law Extern Program – Students are required to spend at least 104 hours with their Attorney Supervisor and are evaluated at the end of the semester

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- (h) August 2016 Presented at the Richland County Sheriff's Department School Resource Officers Back to School Training
- (i) Fall 2016 Conducted Training for the City of Columbia Police Department School Resource Officers
- (j) Fall 2016 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina School of Law
- (k) February 2017 Served as the Moderator for the "Family Court Prosecutors' Workshop" Continuing Legal Education Program
- (l) Spring 2017 was the Attorney Supervisor for an extern through the University of South Carolina School of Law Extern Program – Students are required to spend at least 104 hours with their Attorney Supervisor and are evaluated at the end of the semester
- (m) August 2017 Presented at the South Carolina Association for Justice Annual Conference in the Family Court Session about the "Terrible Teens"
- (n) August 2017 Presented at the Richland County Sheriff's Department School Resource Officers Back to School Training, specifically on How the Science of Adolescent Brain Development Influenced Supreme Court and South Carolina Case law
- (o) Fall 2017 Conducted Training for the City of Columbia Police Department School Resource Officers
- (p) Fall 2017 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina School of Law
- (q) Fall 2017 trained new recruits for the City of Columbia Police Department on the Juvenile Justice System and Juvenile Procedures
- (r) Spring 2018 Guest Lecturer for the Children's Law Office Course at the University of South Carolina School of Law about the Juvenile Justice System
- (s) Spring 2018 Presented on the Juvenile Justice System and Juvenile Procedures at the Fifth Circuit Solicitor's Office Quarterly Update
- (t) August 2018 Presented at the Richland County Sheriff's Department School Resource Officers Back to School Training, specifically on the elements of common crimes and preservation of evidence
- (u) Fall 2018 Conducted Training for the City of Columbia Police Department School Resource Officers

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- (v) Fall 2018 Guest Lecturer for the Juvenile Justice Clinic at the University of South Carolina of South Carolina School of Law
- (w) Winter 2019 Presented at the Annual Criminal Practice Continuing Legal Education Program about The Raise The Age Legislation in South Carolina
- (x) Spring 2019 was the Attorney Supervisor for an extern through the University of South Carolina School of Law Extern Program – Students are required to spend at least 104 hours with their Attorney Supervisor and are evaluated at the end of the semester

Ms. Hendrick reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Hendrick did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Hendrick did not indicate any evidence of a troubled financial status. Ms. Hendrick has handled her financial affairs responsibly.

The Commission also noted that Ms. Hendrick was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Hendrick reported that she is not rated by any legal rating organization.

Ms. Hendrick reported that she has not served in the military.

Ms. Hendrick reported that she has never held public office.

(6) Physical Health:

Ms. Hendrick appears to be physically capable of performing the duties of the office she seeks.

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- (7) Mental Stability:
Ms. Hendrick appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Hendrick was admitted to the South Carolina Bar in 2005.

She gave the following account of her legal experience since graduation from law school:

- (a) From November 2005 through February 2007, I worked in the Fifth Judicial Circuit Solicitor's Office, Richland County Family Court Division handling adjudication, disposition, detention, review and waiver hearings.
- (b) From February 2007 through September 2010, I worked in the Fifth Judicial Circuit Solicitor's Office in both General Sessions and Family Court. During that time, I managed a case load of approximately 400 cases of non-violent and violent crimes. I was also part of a team that specialized in prosecuting Driving Under the Influence cases in both Magistrate Court and General Sessions. I was the liaison between the General Sessions and Family Court divisions in Richland County, handling the majority of the violent juvenile cases and all the waiver eligible cases. During this time I participated in several felony jury trials including Armed Robbery, Murder and Burglary First Degree. During 2010, I also handled all juvenile cases in Kershaw County as well as my duties in Richland County.
- (c) From September 2010 through March 2013 I was the Staff Attorney for the Foster Care Review Board Division of the Governor's Office of Executive Policy and Programs (now part of the Department of Administration). With this position, I had the opportunity to travel the State, appearing in almost every Judicial Circuit to represent the Foster Care Review Board advocating permanency for children in Foster Care. I worked with both Department of Social Service lawyers and private attorneys, representing birth parents, foster parents and prospective adoptive parents. I networked with all stake holders in the child welfare system, with the goal of improving outcomes for child in foster care.

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- (d) From March 2013 to May 2014, I was a county attorney for the Department of Social Services in Richland County representing the agency in Abuse and Neglect and Vulnerable Adult hearings. I managed approximately seventy (70) cases at a time; appearing in Family Court a minimum of two (2) days per week for multiple hearings each day. I also drafted pleadings, orders, and motions in addition to responding to discovery. I also participated in daily staffings with case workers and attended Multidisciplinary Team Meetings (“MDT”), a bimonthly meeting including representative of Children Advocacy Centers and law enforcement.
- (e) From May 2014 through January 2015, I was the Managing Attorney for the Department of Social Services in Fairfield and Chester Counties; I was responsible for all legal actions involving the agency and direct management of two (2) paralegals.
- (f) Currently, I am the team leader and prosecutor for the Richland County Family Court Division in the Fifth Judicial Circuit. I oversee the handling of all juvenile cases in Richland County to include all criminal cases and all cases diverted to Juvenile Pre-trial Diversion, Treatment Courts and Youth Arbitration. My staff includes three (3) paralegals, two (2) additional attorneys, a social worker, and a victim advocate. I also work closely with the directors of the diversion programs. For the past five (5) years, this division disposed of approximately one thousand (1,000) petitions per year. I appear in Court, on average, four (4) times a week for multiple hearings each day. This caseload includes all status offenses, non-violent offenses and violent offenses. Also part of my duties is to be on call at all times to provide curtesy legal advice to law enforcement about all issues and specifically about detaining juveniles in secure facilities and coordinating the statutorily required detention hearing with in forty-eight (48) hours.

Ms. Hendrick reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: 100%

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Ms. Hendrick reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%;
- (b) Criminal: 80%;
- (c) Domestic: 15%;
- (d) Other: 5%.

Ms. Hendrick reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%;
- (b) Non-jury: 100%.

Ms. Hendrick provided that during the past five years she most often served as sole counsel.

The following is Ms. Hendrick's account of her five most significant litigated matters:

- (a) State v. Terrance Jennings, 2010-UP-054 – This was a lengthy and complicated Armed Robbery and Murder trial of a seventeen (17) year old that shot and killed a good Samaritan that offered him and his friends a ride. One of the co-defendants was juvenile who only turned fourteen (14) just weeks before the incident. The State moved to waive the juvenile's case to General Sessions due to the seriousness of the charge. I handled the waiver hearing in Family Court. The Family Court denied the motion to waive jurisdiction to General Sessions because of his young age and minimal prior record. After the waiver hearing, the juvenile became a cooperating witness and testified against Mr. Jennings. Mr. Jennings was also charged with Attempted Armed Robbery and Assault and Battery with Intent to Kill in which he shot a cab driver. After pre-trial hearings, the Court allowed the victim of the Attempted Murder and Assault with Intent to Kill to testify in the Murder trial. The jury found Mr. Jennings guilty of Armed Robbery and Murder and he was sentenced to life in prison. The juvenile was eventually adjudicated in Family Court to Accessory After the Fact to Armed Robbery and Murder sentenced to serve an indeterminate amount of time at

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the Department of Juvenile Justice not to exceed his twenty-first (21st) birthday. I handled all of the Family Court hearings and was second seat in the General Sessions trial. This case was significant to me because the juvenile and Mr. Jennings were only 3 years apart in age and participated in the same incident, but the end result for each of these teenagers was drastically different. In 2019, Mr. Jennings was resentenced to forty (40) years after an Aiken v. Byers hearing.

- (b) South Carolina Department of Social Services v. C.S., et. al – This was a termination of parental rights action involving six (6) minor children with same mother and four (4) different fathers. The first issue in this case was properly serving all the fathers. Only one of the fathers was able to served by certified mail and the others had to be served by publication. When I took over the case, the termination of parental rights action had been pending for over six (6) months with none of the fathers served. I was able to direct the case workers to comply with the statutory requirements to obtain Orders for Publication and properly serve all of the parties. This family had been involved with the Department of Social Services for over ten (10) years and this was the third (3rd) indicated case against the Mother. At the time of the termination of parental rights action, all of the children had been in foster care for thirty-two (32) consecutive months. The guardian ad litem agreed that termination of parental rights was in the best interest of the five (5) youngest children, but not for the oldest child who was sixteen (16) years old and did not wish to be adopted. After a trial, including testimony from the Mother, the court terminated the parental rights of the parents to the five (5) youngest children and agreed with the guardian ad litem in regards to the oldest child. The five (5) younger siblings have been adopted. This case was significant to me because I was able to accomplish the legal steps necessary to provide the children with opportunity for a permanent home and to exit foster care with a positive outcome.
- (c) In the Interest of C.C. – In this case a fifteen (15) year old juvenile was charged with two (2) counts of Criminal Sexual Conduct with a Minor in the First

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Degree. The allegations in this case involved the juvenile sexually assaulting his younger half-siblings. In this case, the Father of the victims was also the Father of the juvenile respondent. The Father wanted his son held responsible for his actions but also to receive rehabilitation services. The Father did not believe his son should be on the sex offender registry for life and wanted to avoid the younger siblings having to testify against their older brother. I was able to foster a solution that would prevent a young child from testifying and defer the issue of the sex offender registry to the presiding Judge. This allowed the Judge to review two (2) separate sex offender risk assessments and a full psychological evaluation before ruling on the issue of sex offender registry. As a prosecutor, I felt strongly that the juvenile needed in-patient sex offender specific treatment and should remain detained in a secure facility until the Department of Juvenile Justice could obtain such placement. The Court was concerned that the juvenile had already been detained for several months and was not receiving treatment. I respected and gave deference to the Judge's decision. In collaboration with the defense attorney and the Department of Juvenile Justice, it was arranged for the juvenile to be placed in a group home near the inpatient facility so that outpatient treatment services could begin immediately and continue until bed space became available at the inpatient facility. The juvenile successfully completed inpatient treatment and was not placed on the sex offender registry. To my knowledge, this juvenile has not reoffended. Unfortunately, this is only one example of the many cases I prosecuted dealing with juveniles sexually assaulting younger family members or friends. This case is an example of the prosecutor, defense attorney and the Department of Juvenile Justice cooperating to accomplish a fair and just resolution for all parties involved.

- (d) Department of Social Services v. B. G., et al. – This child entered foster care at birth because the Mother abused drugs while pregnant. The child has a severe heart defect and while in foster care had complications during surgery causing a leg to be amputated. The

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Mother was successful with drug treatment but had difficulty securing stable housing and employment. To further complicate matters, the Mother's boyfriend/fiancée failed court ordered drug screens. Through the case, the agency was concerned about the Mother's ability to care for her child's special medical needs. Over the course of the case, the child left and reentered foster care three (3) times. The abuse and neglect case was finally closed two (2) years with the child being reunited with her family. Nearly every hearing in this case was contested, and I was responsible for drafting very lengthy and complicated pleadings and orders due to the multiple actions, hearings and changes in custody. I was not the attorney when the case was initiated or closed; however, I did handle the majority of the litigation. Working very diligently with the case workers, medical providers, defense attorney, and the guardian ad litem, I ensured the agency followed the law and treated the Defendants fairly while never compromising the safety or welfare of the child. This case is remarkable because after three (3) entries in foster care the child was successfully reunited with her family.

- (e) State v. Antonio Barnes and Devion Jenkins – When Mr. Barnes and Mr. Jenkins were fifteen (15) years old, they went to an apartment complex in search of a rival gang member. While they stood at the top of a hill looking into the apartment complex, Mr. Barnes encouraged Mr. Jenkins to shoot into the apartment complex at the rival gang member. They did not hit their intended target and another person was shot and killed. Both were charged with Murder in Family Court. Both juveniles had history with the Department of Juvenile Justice and after separate waiver hearings, the Family Court waived jurisdiction of both juveniles to General Sessions. After much negotiation, both entered a guilty plea to voluntary manslaughter and were sentenced to twenty-three (23) years. Although they were not convicted of murder, the victim's family was very appreciative of the effort it took to ensure they would have adult convictions and serve significantly longer sentences than if the case remained in Family Court. I handled every aspect of this

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case from the initial forty-eight (48) hour detention hearing in Family Court to the final sentencing in General Sessions. I believe this was a fair result because they were held accountable as adults but their young age was also considered in sentencing.

The following is Ms. Hendrick's account of the civil appeal she has personally handled:

- (a) In re Diamond D., A Juvenile under the Age of Seventeen. Appellate Case No. 2017- 001486.

Ms. Hendrick reported she has not personally handled any criminal appeals.

Ms. Hendrick further reported the following regarding unsuccessful candidacies:

I was a candidate for Family Court At-Large, Seat 8 for election in 2017. I was not elected.

- (9) Judicial Temperament:

The Commission believes that Ms. Hendrick's temperament would be excellent.

- (10) Miscellaneous:

The Midlands Citizen Committee on Judicial Qualifications found Ms. Hendrick to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also noted, "Very well qualified. Very energetic! Will make an excellent judge!"

Ms. Hendrick is married to Matthew Richard Hendrick. She has two children.

Ms. Hendrick reported that she was a member of the following bar and professional associations:

Richland County Bar Association

Ms. Hendrick provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

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- (a) Recipient of the 2016 Ernest F. Hollings Award for Excellence in State Prosecution in Family Court
- (b) Member of Forest Lake Elementary School PTO
- (c) Member of Beth Shalom Synagogue
- (d) Member of the Children's Justice Act Task Force
- (e) Participant in the United Way of the Midlands Resilient Richland Initiative
- (f) Participant in The Council of State Government Justice Center: The Impact of Juvenile Probation on Educational Outcomes for Youth Research Study
- (g) Participant in the University of South Carolina Department of Criminology and Criminal Justice: Family Court Intake Structures Research Study

Ms. Hendrick further reported:

My father is a member of the South Carolina Bar with a practice concentrated in criminal defense. My mother is a licensed therapist who works with children and families. Growing up, I realized that both my parents were constantly helping and guiding people through difficult and emotional situations. This led me to choose a career serving others. For almost fifteen years, I have been involved in Family Court in various capacities. This has granted me countless opportunities to witness how the Family Court operates and how the Family Court process impacts the lives of the litigants and children involved. I have great respect for those who serve as Family Court Judges. Family Court Judges have an enormous responsibility of making difficult decisions in an emotional environment where the future of families, children and lives are at stake.

My experiences as a prosecutor in both Family Court and the Court of General Sessions, together with years of practicing in child welfare law, have equipped me with knowledge, perspective, and insight to serve on the Family Court Bench. Furthermore, with the implementation of "Raise the Age" and the expanded jurisdiction of the Family Court in juvenile justice cases, my expertise in criminal law will be a valuable asset. This legislation allows the Family Court to adjudicate and rehabilitate more youth without the collateral consequences of an adult conviction. Given the opportunity, I will make a positive impact and substantial contribution to Family court Bench.

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- (11) Commission Members' Comments:
The Commission members found Ms. Hendrick to be well qualified, and her answers to questions posed during her public hearing to be articulate and impressive. The members further noted that her wealth of experience with juvenile justice would be beneficial to the Family Court bench.
- (12) Conclusion:
The Commission found Ms. Hendrick qualified, and nominated her for election to Family Court, Fifth Judicial Circuit, Seat 1.

**C. Vance Stricklin Jr.
Family Court, Fifth Judicial Circuit, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Stricklin meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Mr. Stricklin was born in 1969. He is 50 years old and a resident of Columbia, South Carolina. Mr. Stricklin provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Stricklin.
- Mr. Stricklin demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.
- Mr. Stricklin reported that he has made campaign expenditures of approximately \$125 for business cards and nametags.

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Mr. Stricklin testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Stricklin testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Stricklin to be intelligent and knowledgeable.

Mr. Stricklin reported that he has taught the following law-related courses:

I have attached a list provided by the South Carolina Bar of Continuing Education Seminars where I was the planner, moderator and/or presenter. This list is not complete, but does cover a number of the programs in which I participated. I have been the co-planner and moderator for Hot Tips for approximately the past ten years. The program is designed for short presentations covering a wide variety of Family Court topics. In addition to planning the programs, I have presented and have focused on the issue of alimony for over a decade. I have also been a presenter at the Family Law Essentials CLE held by the South Carolina Bar. The program is designed for new lawyers or lawyers new to the practice of Family Law. My presentations have been on the substantive and procedures of Temporary Hearings. On multiple occasions, I have been either a course planner or speaker at the South Carolina Bar Convention, covering a variety of Family Court topics. For example, one year I arranged for a professor from Wake Forest University to speak on her analysis of studies dealing with custody and visitation issues. All Family Court Judges were required to attend the convention CLE. The South Carolina Bar also had a sister program to Hot Tips called Cool Tips. I have spoken at these programs regarding a wide variety of Family Court

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issues. This year, I spoke at the Horry County Bar CLE on the issue of alimony which included an emphasis on the recent tax law changes impacting the Family Court. I have also been a presenter at the South Carolina Bench Bar CLE. I have taught at the new Judges School on the substantive and procedures of Temporary Hearings. I have been a presenter at the South Carolina Association of Justice Seminar (formally SCTLA). In July of 2019, I spoke at the Al Todd Probate CLE regarding issues in Family Court that intertwine with Probate Court. On average, I would estimate that I have been involved with at least two seminars per year for the past ten to fifteen years. In addition to speaking/working on seminars involving Family Law issues, shortly after completing law school, I taught one or two paralegal courses at Orangeburg-Calhoun Technical College.

Mr. Stricklin reported that he has published the following:

- (a) South Carolina Family Lawyer's Toolkit Third Edition, published in 2017. I was one of the primary editors who helped with publication and provided substantive materials on a number of topics. I also assisted in the publication of the first two editions.
- (b) "The Temporary Hearing" a chapter in Family Law Essentials: A Primer for Private Practice Before the Family Court in South Carolina, published in 2018. Ben Stevens was the editor of the book and used materials from my presentations at the 2014 and 2015 Family Law Essentials Seminars to draft this chapter.
- (c) I have provided articles and materials for almost every CLE referenced in number 21 above.
- (d) I have had at least two requests to republish my alimony materials that I have re-worked and updated over the past ten years. I do not recall the publications.
- (e) I was recently asked and agreed to assume the editorial duties for Marital Litigation in South Carolina Substantive Law by Professor Emeritus Roy T. Stuckey. To date, I have not worked on the publication.

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(4) Character:

The Commission's investigation of Mr. Stricklin did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Stricklin did not indicate any evidence of a troubled financial status. Mr. Stricklin has handled his financial affairs responsibly.

The Commission also noted that Mr. Stricklin was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Stricklin reported that his rating by the legal rating organization Martindale-Hubbell is BV, that he has been included in Super Lawyers - Family Law since (at least) 2013, and that he has been included in Legal Elite of the Midlands by Columbia Business Monthly since (at least) 2014.

Mr. Stricklin reported that he has not served in the military.

Mr. Stricklin reported that he has never held public office.

(6) Physical Health:

Mr. Stricklin appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Stricklin appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Stricklin was admitted to the South Carolina Bar in 1994.

He gave the following account of his legal experience since graduation from law school:

- (a) Richland County Public Defender's office, November 1994 until June 1995. I almost exclusively represented juveniles charged with criminal offenses in the Family Court. My job

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also required me to work on some other cases such as probation violations and to assist with legal research. Prior to working as an attorney at the Public Defenders Office, I was a law clerk working on the Family Court team for two years.

- (b) Moore Taylor Law Firm (The Firm has had various names in the past as partners have joined and left the law firm). I joined the Firm as an associate in June 1995. I became a partner approximately five years later. Since going into private practice, I have worked almost exclusively with Family Court cases. Primarily, I represent individuals in domestic cases, involving divorce, custody, visitation, health insurance, college expense cases, equitable distribution and support (alimony and child support). I have also handled adoptions and South Carolina Department of Social Services cases. Earlier in private practice, I worked on some magistrate cases, probate cases and various legal research projects. Once I became a partner in the Firm, I worked on various administrative issues related to our retirement plan, case management system, group insurance plans, hiring and overall function of the Firm. I was Managing Partner for two years. All of the partners are responsible for overseeing the accounts of the Firm.

Mr. Stricklin further reported regarding his experience with the Family Court practice area:

For the past twenty-five years, I have worked almost exclusively in Family Court. I began my career representing juveniles charged with offenses. During this time, I worked with the Department of Juvenile Justice, the Solicitor's office and various volunteer agencies such as the Urban League or Church Diversion program. I represented young people on everything from statute offense to serious criminal charges. I handled pleas and trials. I also worked on waiver hearings and detention hearings.

After entering into private practice, I have primarily represented individuals in Family Court. I have handled countless divorce cases along with the ancillary issues associated with divorce. I have assisted in negotiation settlements and have tried cases. I have represented numerous clients from start to finish to include

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covering and preparing discovery, taking and attending depositions, and working as a guardian ad litem and with guardian ad litem, along with psychologists, psychiatrists and counselors.

I have managed temporary hearings and contested trials in Family Court, worked on appeals and argued in the Supreme Court. During my legal career, the vast majority of the cases I have litigated have been in Family Court. I have also prepared many separation and/or custody agreements, prepared or assisted with many Qualified Domestic Relations Orders, and prepared or assisted with some ante-nuptial agreements.

I have represented clients in cases involving the South Carolina Department of Social Service, mostly by appointment and some by hire. During the first ten years in private practice, I worked on occasion as a guardian ad litem. During this same time frame, I represented individuals in adoptions and assisted with the relinquishments of parental rights.

I have also been involved in cases involving grandparent visitation and grandparents seeking custody. I have brought and defended contempt actions in Family Court.

I have served as a mediator and arbitrator in numerous of Family Court matters.

Mr. Stricklin reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Weekly

Mr. Stricklin reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: less than 1%;
- (b) Criminal: less than 1%
- (c) Domestic: 99%
- (d) Other:

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Mr. Stricklin reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: none
- (b) Non-jury: 100%

Mr. Stricklin provided that during the past five years he most often served as sole counsel but also served as co-counsel and chief counsel.

The following is Mr. Stricklin's account of his five most significant litigated matters:

- (a) Teeter v. Teeter, 408 S.C. 485, 759 S.E.2d 144 (Ct. App. 2014) This case is significant because it was a two day trial that dealt with a number of Family Court issues. I was the lead attorney representing Ms. Teeter. The appellate decision addressed the exclusion of certain evidence (e-mails), the character (marital v. non-marital) and value of property, the date of valuation, issues of credit for use of marital property during the pendency of the case and attorney's fees. The case was one of the first trials I handled with issues related to electronic evidence. We were ultimately successful on almost all of the issues.
- (b) Kinsey v. Kinsey, No. 2012-UP-212, 2012 WL 10841365 (S.C. Ct. App. Mar 28, 2012) This case is significant because it dealt with the character of a business started by my client prior to the marriage along with valuation issues. I was able to convince the Court to award my client 60% of the marital property. I prevailed on evidentiary issues related to Wife's fault. Additionally, the trial exemplified the civility between lawyers. Opposing counsel was a zealous advocate for her client, but professional and civil throughout the case. I was as well. We were a prime example of how lawyers ought to address each other even when a case cannot be settled.
- (c) McGee v. McGee, No. 2007-UP-148, 2007 WL 8327460 (S.C. Ct. App. Apr 4, 2007) This case is significant for two main reasons. First, I was able to convince the Family Court to order a fixed term of alimony as opposed to permanent periodic alimony as requested by the wife. Second, the case sparked my interest in alimony and the issues related to alimony. Because of this case, I have spoken on the issue of

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alimony on more than ten separate occasions at CLEs and prepared a spreadsheet of alimony cases used by other practitioners and Judges.

- (d) Hooper v. Rockwell, 334 S.C. 281, 513 S.E.2d 358 (1999) This case found the emergency protective custody statute was constitutional, that the evidence supported the termination of the mother's parental rights and allowed my clients to adopt the children. Although I was second chair during the trial and I argued the matter before the South Carolina Supreme Court. The verdict allowed the children to have a better home and family moving forward.
- (e) Tomsic v. Tomsic, No. 2016-DR-40-358 This case is currently under appeal, however, it is significant for dealing with custody, relocation, attorney's fees and a unique evidence issue related to the opposing party's North Carolina v. Alford plea in criminal court. I tried the case for five days and have prevailed on all the issues thus far.

The following is Mr. Stricklin's account of five civil appeals he has personally handled:

- (a) Penny v. Greene, 357 S.C. 583, 594 S.E.2d 171 (Ct. App. 2004)
- (b) West v. West, No. 2007-UP-555, 2007 WL 8400144 (S.C. Ct. App. December 14, 2007)
- (c) McElveen v. McElveen, 332 S.C. 583, 506 S.E.2d 1 (Ct. App. 1998)
- (d) Eaddy v. Oliver, 345 S.C. 39, 545 S.E.2d 830 (Ct. App. 2001)
- (e) Bowman v. Bowman, 357 S.C. 146, 591 S.E.2d 654 (Ct. App. 2004)

Mr. Stricklin reported that he has not personally handled any criminal appeals.

Mr. Stricklin reported he has not personally handled any civil or criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Mr. Stricklin's temperament would be excellent.

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(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Stricklin to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, “Lots of experience - very well qualified!”

Mr. Stricklin is married to Carolyn Newsham Stricklin. He has three children.

Mr. Stricklin reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Bar Association Family Law Section Council, member since 1998 and chair from 2004-2005 and 2013-2014
- (c) Lexington County Bar Association, President 2002 (d) Richland County Bar Association
- (e) American Bar Association
- (f) South Carolina Association of Justice

Mr. Stricklin provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Dreher High School Booster Club; various positions over the past four years, including secretary
- (b) St. Joseph’s Catholic Church; Eucharistic Minister
- (c) Family Law Section Council; Council Chair

Mr. Stricklin further reported:

I feel fortunate to have grown up in a safe, supportive middle class family that promoted religion, citizenship and honorable values. My mother was a school teacher and my father was a tire salesman. I graduated from Dreher High School, attended Winthrop College on a full scholarship and returned to Columbia for law school. I feel grateful to call Columbia, South Carolina home and I want to give back to my community. I have and could continue to make more money in private practice, but I feel the call of public service. I have handled almost every type of case

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conceivable in Family Court. I have managed Juvenile cases, DSS cases, divorce, custody, visitation, child support, alimony, contempt and dealt with all the ancillary matters that come from these cases. I have tried all of the above and worked hard to resolve the cases when possible in order to help clients avoid or at least limit the emotional and financial expense that comes with litigation.

My wife and I will celebrate our 25th wedding anniversary this year. We have twins going to college and a rising high school junior, so we have first-hand experience raising children. We have prepared our finances to allow me to pursue the bench.

I know my character and demeanor are appropriate for the Court. My knowledge and experience are only part of my strengths I offer to the bench. I have had several other lawyers retain me to arbitrate cases, essentially paying me to act as the judge for their cases. Most importantly, I would be honored to serve in this role for the State of South Carolina.

(11) Commission Members' Comments:

The Commission commented that Mr. Stricklin has an impressive legal intellect, an exceptional reputation, a breadth of experience, and a professional demeanor that would make him an excellent addition to the bench.

(12) Conclusion:

The Commission found Mr. Stricklin qualified, and nominated him for election to Family Court, Fifth Judicial Circuit, Seat 1.

**The Honorable Debra A. Matthews
Family Court, Sixth Judicial Circuit, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Matthews meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Matthews was born in 1957. She is 62 years old and a resident of Blackstock, South Carolina. Judge Matthews

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provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Matthews.

Judge Matthews demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Matthews reported that she has made \$10 in campaign expenditures for postage, paper, ink, and envelopes.

Judge Matthews testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Matthews testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Matthews to be intelligent and knowledgeable.

Judge Matthews reported that she has taught the following law-related course:

I lectured at the Family Court Bench Bar on December 7, 2018. My topic was problematic issues with temporary hearings.

Judge Matthews reported that she has not published any books or articles.

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(4) Character:

The Commission's investigation of Judge Matthews did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Matthews did not indicate any evidence of a troubled financial status. Judge Matthews has handled her financial affairs responsibly.

The Commission also noted that Judge Matthews was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Judge Matthews reported that she is not rated by any legal rating organization.

Judge Matthews reported that she has not served in the military.

Judge Matthews reported that she has never held public office other than judicial office.

(6) Physical Health:

Judge Matthews appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Judge Matthews appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Judge Matthews was admitted to the South Carolina Bar in 2001.

She gave the following account of her legal experience since graduation from law school:

(a) Elected Family Court Judge, Sixth Judicial Circuit on February 7, 2018.

(b) I was self-employed operating a general practice from 2001 to 2018. I employed two associate attorneys. I immediately began practicing in the Family Court and the majority of my work was in Family Court. I handled most all types of

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Family Court cases including, divorces, custody, child support, adoptions, name changes, abuse and neglect, vulnerable adults and juveniles.

- (c) I was a contract attorney with the South Carolina Commission on Indigent Defense from 2013 to 2015.
- (d) I served as a court appointed guardian ad litem on many occasions.
- (e) I was certified as a Family Court and Circuit Court Mediator in 2010.
- (f) In 2004, I began handling criminal cases, workers compensation, personal injury, social security disability and probate cases, as well as estate planning and real estate closings.
- (g) In 2002 I was admitted to the United States Bankruptcy Court and handled consumer filings for Chapter 7 and 13 clients.
- (h) I was admitted to the U.S. District Court, South Carolina 2001.
- (i) For most of my career I handled the administrative and financial management and trust accounts. I employed one bookkeeper to handle my financial affairs since 2001. My staff accepted payments and issued receipts to clients.

Judge Matthews reported she has not personally handled any civil or criminal appeals.

Judge Matthews reported that she has held the following judicial office(s):

I was elected on February 7, 2018 to the Family Court, Sixth Judicial Circuit, Seat 2

Judge Matthews provided the following list of her most significant orders or opinions:

- (a) Whitlock v. Walters et al., 2018-DR-29-0249 (Order);
- (b) Boney v. Boney, 2016-DR-29-703 (Order);
- (c) Wickham v. Wickham, 2017-DR-20-182 (Memorandum for Order).

Judge Matthews has reported no other employment while serving as a judge.

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Judge Matthews further reported the following regarding unsuccessful candidacies:

Yes, Fairfield County Magistrate, 2005 and Winnsboro Municipal Court, 2009.

(9) Judicial Temperament:

The Commission believes that Judge Matthews' temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Judge Matthews to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee further noted, "Judge Matthews has been on the bench for only a year and a half, but she has already acquired a reputation as a diligent, thoughtful and fair-minded Family Court Judge. The Committee strongly urges her reappointment to the bench for another term."

Judge Matthews is not married. She has two children.

Judge Matthews reported that she was a member of the following bar and professional associations:

- (a) SC Bar Association
- (b) Fairfield County Bar Association

Judge Matthews provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Finance Committee – St. Theresa Church;
- (b) Secretary – Mid County Water Board;
- (c) Coach and Judge Volunteer Mock Trial;
- (d) Sixth Judicial Circuit Public Defender Board;
- (e) Sixth Judicial Circuit Public Defender Selection Panel.

Judge Matthews further reported:

I believe in honesty, hard work and integrity, as well as treating everyone with dignity and respect. I work hard and try to maintain the upmost respect for everyone in the court room, but

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at the same time I am firm. I believe my experience as a Family Court lawyer has helped me tremendously as a Family Court Judge

- (11) Commission Members' Comments:
The Commission commented that Judge Matthews has an outstanding reputation as a jurist, which has ably served her in discharging her responsibilities on the Family Court bench.
- (12) Conclusion:
The Commission found Judge Matthews qualified, and nominated her for re-election to Family Court, Sixth Judicial Circuit, Seat 2.

**Spiros Stavros Ferderigos
Family Court, Ninth Judicial Circuit, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Ferderigos meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Ferderigos was born in 1978. He is 41 years old and a resident of Charleston, South Carolina. Mr. Ferderigos provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2003.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Ferderigos.

Mr. Ferderigos demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Ferderigos reported that he has not made any campaign expenditures.

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Mr. Ferderigos testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Ferderigos testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Ferderigos to be intelligent and knowledgeable.

Mr. Ferderigos reported that he has taught the following law-related courses:

- (a) I have lectured at the 2011 and 2014 Judges and Attorneys Substance Abuse Seminar as a panelist discussing Drug Court Programs;
- (b) I have made annual presentations to the local School Resource Officers regarding updates to the criminal law as it relates to school incidents and best practices regarding criminal activity that arise within a school setting;
- (c) I have made presentations in 2017 and 2018 to students at the Charleston Southern University regarding juvenile delinquency matters and the Family Court criminal process.

Mr. Ferderigos reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Ferderigos did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Ferderigos did not indicate any evidence of a troubled financial status. Mr. Ferderigos has handled his financial affairs responsibly.

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The Commission also noted that Mr. Ferderigos was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Ferderigos reported that he is not rated by any legal rating organization.

Mr. Ferderigos reported that he has not served in the military.

Mr. Ferderigos reported that he has never held public office.

(6) Physical Health:

Mr. Ferderigos appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Ferderigos appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Ferderigos was admitted to the South Carolina Bar in 2003.

He gave the following account of his legal experience since graduation from law school:

(a) Law Offices of Paul E. Tinkler, Charleston, South Carolina
Civil Litigation, October 2003 to March 2007

Attorney for a civil litigation firm specializing in the field of domestic relations. Other areas of practice included personal injury, medical malpractice and business transactions. Complete autonomy in representing clients in a two lawyer firm.

(b) Solicitor's Office, Ninth Judicial Circuit Criminal
Litigation, March 2007 to present Assistant Solicitor for the
Ninth Judicial Circuit, Family Court Division. Includes
complete autonomy in the prosecution of Murder, Armed
Robbery, Narcotic and Weapon related charges.

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- (c) Solicitor's Office, Ninth Judicial Circuit Special Counsel to the Ninth Judicial Circuit Juvenile Drug Court Program, January 2011 to present
Representative and member of the Ninth Judicial Circuit Juvenile Drug Court Program. Sole Assistant Solicitor assigned to the program and intricately involved in the program's oversight, day to day affairs and recruitment.
- (d) Solicitor's Office, Ninth Judicial Circuit Managing Assistant Solicitor, June 2013 to present
Promoted to Managing Assistant Solicitor in addition to the duties of Special Counsel to the Ninth Judicial Circuit Juvenile Drug Court Program and general duties of an Assistant Solicitor in the Ninth Judicial Circuit.
- (e) Solicitor's Office, Ninth Judicial Circuit Chief Prosecutor, March 2016 to present
Promoted to Chief Prosecutor for the Ninth Judicial Circuit, Family Court Division. In addition to handling the most complex juvenile delinquency cases in Family Court, the duties of the Chief Prosecutor include complete management of the entire Family Court Division of the Ninth Judicial Circuit, oversight and management of all Family Court Assistant Solicitors and staff, and management of Juvenile Delinquency Dockets with the Family Court. As Chief Prosecutor, I am the acting deputy of the elected Solicitor for all matters regarding the Family Court Division in the Ninth Judicial Circuit.

Mr. Ferderigos reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None;
- (b) State: Approximately three days a week for Family Court Juvenile Delinquency Proceedings.

Mr. Ferderigos reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: None;
- (b) Criminal: 100% (Family Court Juvenile Delinquency Proceedings);

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- (c) Domestic: None;
- (d) Other: None.

Mr. Ferderigos reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: None;
- (b) Non-jury: 100%.

Mr. Ferderigos provided that during the past five years he most often served as sole, chief counsel.

The following is Mr. Ferderigos' account of his five most significant litigated matters:

- (a) State vs. Jones– I successfully prosecuted a contested juvenile delinquency Waiver Hearing resulting in the juvenile defendant being transferred to General Sessions Court to be tried as an adult for the charges of Murder, Assault with Intent to Kill and Escape from Prison. This matter is of significance as Waiver Hearings are one of the more complex and rare hearings to be held in Family Court. This matter is also of significance as I succeeded in bringing justice to a mourning family in a case where the court found that the juvenile defendant could not be rehabilitated after he hunted down a minor victim and shot the victim “execution style” in front of the victim’s sister. The same juvenile also repeatedly shot another minor victim resulting in permanent disfigurement. The family of the murdered victim desperately sought justice for the unnecessary death of their child. The other minor victim who was shot numerous times not only sought justice, but also feared for his safety should the defendant be adjudicated delinquent in Family Court where he could only be indeterminately committed for a period not to exceed his twenty-first birthday. By “waiving up” the juvenile defendant, the family of the murdered victim was able to receive the maximum justice afforded in our legal system, and the maimed second victim did not have to live in fear that the defendant would be released within a few short years of his conviction.

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- (b) Rawlins v. Rawlins – This domestic relations matter is of significance as I represented a mother who was completely blind-sided by her spouse’s adultery with exotic dancers, abuse of narcotics, devaluation and concealment of marital/business assets, and attempts to transmute my client’s substantial inheritance to marital property. Motions for Emergency Hearing, Rules to Show Cause, Motions to Compel and other relief had to be sought to protect the minor child and protect the sanctity of the marital estate. Through the proper use of these motions, I succeeded in protecting my client’s minor child from her spouse’s dangerous behavior, preserved the marital estate, and used financial experts and private investigators to ensure the court had the proper evidence to issue a fair and proper ruling. After hearing testimony from my financial experts, private investigator, and other witnesses; the court imputed a significantly higher income to the spouse than he reported, awarded my client permanent periodic alimony, granted a divorce on the ground of adultery, granted primary custody to my client, denied the spouse’s demand to transmute my client’s significant non-marital estate to marital property, and awarded my client attorney’s fees and costs.
- (c) State vs. Williams and Gathers – This juvenile delinquency matter is of significance as I successfully prosecuted two juvenile defendants concurrently for Murder and received Murder adjudications against both defendants. This was a highly contested matter in which the juveniles denied shooting the victim when the victim came out to defend his younger brother who was being bullied by the defendants. By the end of the altercation, the victim was killed by a single gunshot wound to the head and another shot to the body. I worked diligently with police investigators to re-create the crime scene, analyze the possible trajectories of the bullets and offered into evidence audio recordings of the shots fired that ultimately led to the defendants being found guilty of Murder beyond a reasonable doubt. The Family Court’s ruling was appealed by one of the defendants; however, the Court of Appeals affirmed the Murder adjudication in an unpublished opinion.

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- (d) Schenkler vs. Schenkler – This matter is of significance as I represented a mother in a complex divorce case whose psychiatrist spouse had committed adultery by prescribing medications to and taking sexual advantage of his patients while they were under the influence of the medications. When I was retained to represent the mother in this action, she was aware of her spouse's obsession with pornography; however, she never imagined what our investigations would bring to light regarding his sexual exploits. Although the parties had a nominal financial estate, this matter became heavily contested as I fought for the safety of the minor children. As the evidence of his adultery and inappropriate behavior with patients began to solidify, the spouse unexpectedly left the country. After I successfully navigated through the procedural hurdles related to the spouse's flight during litigation, trial moved forward in the spouse's absence with my client being awarded custody of the children, a fair equitable division of the marital estate, restraining order from the spouse contacting the children, and the court granting my client attorney's fees and costs.
- (e) State vs. Felder – This juvenile delinquency matter is of significance as I successfully prosecuted a juvenile for numerous counts of Arson and Malicious Injury to Property after he intentionally entered a downtown residence at approximately 9:50 am, lit the drapes of the residence on fire and fled as the building collapsed from the flames. The fire spread to two additional residences and engulfed those homes as well. In total, five homes were damaged (three completely engulfed in flames), numerous vehicles damaged, and pets of the homeowners trapped in the blaze were killed. Fortunately, all of the residents had just left and were not asleep in their homes as the flames quickly spread through the buildings. This was a complex matter as the juvenile defendant initially denied his involvement. Numerous investigations had to be completed to determine where the fire started and a search for witnesses or individuals with information about the crime. In addition to working with the police department, I had the additional role of consoling and

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providing legal guidance to the victims who had lost everything. With the help of the Fire Marshal, police interviews and police surveillance video near the area; I was able to convince defense counsel that the juvenile defendant would be found guilty at trial. The juvenile pled accordingly and was committed to the Department of Juvenile Justice, providing some closure to the innocent victims as they began the process of slowly putting their lives back together.

The following is Mr. Ferderigos' account of three civil appeals he has personally handled:

- (a) Callen vs. Callen, 365 S.C. 618, 620 S.E.2d 59 (2005)
Date of Decision: September 19, 2005
(Personally handled along with Paul E. Tinkler and Lori Stoney)
- (b) Simmons vs. Simmons, 370 S.C. 109, 634 S.E.2d 1 (Ct. App. 2006)
Date of Decision: April 10, 2006
(Personally handled along with Paul E. Tinkler)
- (c) Computer Products Inc. vs. JEM Restaurant Group, John E. McGrath, Monolith Software Solutions, Inc., and W. David Valmus, Op. No. 2007-UP-066 (Ct. App. 2007)
Date of Decision: February 12, 2007; Not Published.
(Personally handled along with Paul E. Tinker)

Mr. Ferderigos reported he has not personally handled any civil or criminal appeals.

Mr. Ferderigos further reported the following regarding unsuccessful candidacies:

I was selected as a candidate by the Judicial Merit Selection Commission in 2014 and 2015 for the vacancy of Seat # 2 and Seat #3, Charleston County Family Court, respectively. I withdrew my nomination in both instances a few days prior to the vote when it became apparent that my opponent would likely secure sufficient votes to win the nomination. As my local delegation appeared to be divided regarding support for a single nominee, I chose to withdraw from the contest and seek nomination to the next vacant Charleston County Family Court seat.

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- (9) Judicial Temperament:
The Commission believes that Mr. Ferderigos' temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Mr. Ferderigos to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, "Superbly qualified, energetic, caring, passionate knowledgeable - Superb candidate."

Mr. Ferderigos is married to Laura Williams Ferderigos. He has three children.

Mr. Ferderigos reported that he was a member of the following bar and professional associations:
Charleston County Bar Association.

Mr. Ferderigos provided that he was not a member of any civic, charitable, educational, social, or fraternal organizations.

Mr. Ferderigos further reported:

First and foremost I am a devoted husband and the father of three adorable children. My children are my life and I strive every day to set a good example for them and be the kind of father that they deserve. I believe that every child should have the same opportunities as my children and be raised in a nurturing and safe environment. I have devoted my legal career to the practice of family law because Family Court is the judicial arena where children are the primary focus of the law. Whether it is domestic relations where the "best interests of the child" is the cornerstone of the law, or juvenile delinquency proceedings that focus on rehabilitation rather than punishment; a Family Court judge is expected to make every effort within the law to protect children and attempt to bring normalcy in what is a tumultuous period in a child's life. A Family Court judge also has the duty to set appropriate boundaries for adult litigants whose lives have been turned upside down from divorce proceedings. I have personally

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observed how divorce proceedings can turn the most rational individuals into irrational litigants whose sole aim is to harm their spouse rather than seek the best interests of their children and reasonable financial resolution for their families. Throughout the chaotic mental, physical and emotional state that many individuals find themselves in during a domestic matter, it is up to the presiding judge to set appropriate boundaries that will foster litigants to move forward in a dignified manner and provide an opportunity for all parties to present the appropriate evidence before the court.

I am also the son of an immigrant father and mother. My father relocated to the United States of America from Greece as a teenager and became an American citizen in search of a better life for himself and his family. The unfair laws and lack of opportunity in his origin of birth crippled my father's ability to live in a dignified manner where he could raise a family and prosper through hard work. I have personally observed the unjust laws (or lack thereof) when visiting Greece where judicial verdicts are routinely given in favor of litigants who make the proper "contributions" to court officials, or observing officers imprison individuals with no warrant, no probable cause or any explanation whatsoever. I am very blessed that my father risked everything to seek a better life in the United States of America, a country where disputes are not handled in the streets or by a corrupt judiciary; but a country with a judiciary that allows all litigants from every walk of life, race and social status to have a truly fair trial. The necessity of a fair trial, following the rule of law, treating litigants with respect and a judiciary that is above reproach is something that is very dear to me and something that I will ensure should I be blessed with the opportunity to become a Family Court judge.

- (11) Commission Members' Comments:
The Commission commented that Mr. Ferderigos is well qualified to serve as a Family Court judge. They noted that he was articulate in his responses to questions posed by the Commission.
- (12) Conclusion:
The Commission found Mr. Ferderigos qualified, and nominated him for election to Family Court, Ninth Judicial Circuit, Seat 5.

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**Marissa K. Jacobson
Family Court, Ninth Judicial Circuit, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Jacobson meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Jacobson was born in 1979. She is 40 years old and a resident of Charleston, South Carolina. Ms. Jacobson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2005.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Jacobson.

Ms. Jacobson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Jacobson reported that she has not made any campaign expenditures.

Ms. Jacobson testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Jacobson testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Jacobson to be intelligent and knowledgeable.

Ms. Jacobson reported that she has taught the following law-related course:

I was asked to speak at an abuse and neglect continuing legal education program sponsored by the Charleston County Bar. I lectured on representing parents who have been accused of abuse and neglect. The lecture included: statutory time frames, representation of indigents, the goal of reunifying parents with their children, local resources available for rehabilitation for parents involved in child welfare cases and the different burdens of proof in child protective service cases, ie: merits vs. termination of parental rights.

Ms. Jacobson reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Jacobson did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Jacobson did not indicate any evidence of a troubled financial status. Ms. Jacobson has handled her financial affairs responsibly.

The Commission also noted that Ms. Jacobson was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Jacobson reported that she is not rated by any legal rating organization.

Ms. Jacobson reported that she has not served in the military.

Ms. Jacobson reported that she has never held public office.

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- (6) Physical Health:
Ms. Jacobson appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Ms. Jacobson appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Jacobson was admitted to the South Carolina Bar in 2005.

She gave the following account of her legal experience since graduation from law school:

- (a) Charleston County Public Defenders Office, Law Clerk, June 2004-November 2004
- (b) Law Office of Raymond W. Smith, Law Clerk, November 2004- May 2005
- (c) Law Office of Marissa K. Jacobson, Sole Practitioner, June 2005-present
 - a. The general character of my practice has been primarily family court work; including, but not limited to, abuse and neglect defense, guardian ad litem work, divorce and equitable division, child support, custody, legal name-changes, termination of parental rights, adoption actions and juvenile defense.
 - b. Before the South Carolina Bar enacted the indigent defense program, several law firms hired me to handle their court appointed cases that they were required to handle as members of the Bar.
 - c. From approximately, 2005-2010, I did limited probate work; acting as a court appointed visitor to represent individuals named in conservatorship and guardianship actions. I was also appointed by the Probate Court in Charleston and Berkeley Counties, approximately on a monthly basis to represent individuals named in commitment proceedings.
 - d. From approximately, 2010-2012, I did limited contract work for the South Carolina Foreclosure Task Force, assisting and counseling, (not legally representing), members of the public who were facing mortgage foreclosure due to the shift in the real estate market around that time. I would assist members of the public

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by reviewing their budgets, helping them revise their budgets and acting as an intermediary between the mortgage lenders and the lendeers.

- e. From approximately, 2013-Present, I have been awarded a 608 contract from the Commission of Indigent Defense in Charleston, Berkeley, Dorchester and Georgetown County, handling various family court matters, including, but not limited to, adult protective placement, abuse and neglect defense, Guardian ad litem for vulnerable adults, counsel for vulnerable adults, guardian ad litem for minor children, counsel for minor children, termination of parental rights matters, adoption proceedings, guardian ad litem for incarcerated defendants and filing of appeals. From approximately, 2013-Present, I have worked as a Private Attorney Involvement (PAI) Contract Attorney for the South Carolina Center for Legal Services in Charleston, Berkeley, and Dorchester County. I handle child support modifications, fault based divorces, guardianship actions, custody and change of custody actions and establishment of paternity actions.
- f. From approximately, 2016-2018, I served as a guardian ad litem on mortgage foreclosure actions.
- g. Since 2005, I have been primarily the person responsible for administrative and financial management of my law practice, including management of trust accounts.

Ms. Jacobson further reported regarding her experience with the Family Court practice area:

I have had nearly fifteen years of extensive family court experience in the areas of divorce and equitable division of property, child custody, adoption, abuse and neglect and juvenile justice.

I have handled complex and highly litigated divorce matters involving equitable division for marital estates that include: highly valued real property, personal property, business dissolutions, business interests, and trusts that require the involvement of forensic financial analysts.

I have handled divorces where the marital estate is limited to personal property and/or no marital estate exists at all.

I have handled actions for the establishment of paternity and visitation, both when custody is contested and custody is

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uncontested. I have handled change of custody actions, as well. I have represented both the Plaintiff and the Defendant in custody matters. I have served as a court appointed guardian ad litem in both custody and change of custody matters. Some custody matters I have worked on required the use of an expert, such as a forensic psychologist, due to allegations of parental alienation.

I have represented the Plaintiff in adoption actions, represented the Defendant in adoption actions and served as a guardian ad litem in adoption actions. Additionally, I have represented the Plaintiff in termination of parental rights actions, represented the Defendant in termination of parental rights action and served as a guardian ad litem in different capacities in parental rights actions. I have prepared and assisted with relinquishments of parental rights, as well.

I have represented Defendants in abuse and neglect matters all over the state. I have been awarded contracts by the Commission of Indigent Defense in Charleston, Berkeley, Dorchester and Georgetown Counties to represent parents and persons acting as caretakers for minor children accused of abusing and neglecting minor children.

I have been retained to represent clients accused of abusing and neglecting their children. I have been hired to represent clients in the investigation phase of an abuse and neglect matter based on reports made to the Department of Social Services.

I have served as a guardian ad litem in abuse and neglect matters for: children, vulnerable adults, incarcerated defendants, mentally incompetent defendants. I have also served as counsel for children and vulnerable adults.

I have been retained to represent minor children accused of committing crimes. I have served as a guardian ad litem for minor children accused of committing crimes.

I am familiar with and have had to argue issues involving the Uniform Child Custody Jurisdiction and Enforcement Act and Indian Child Welfare Act, in both private cases and indigent defense cases.

Over the past five years, when court is in session, I have appeared between three to four days a week in Family Court. It is not uncommon for me to have two court appearances in one day in different counties. Further, I regularly may appear in a

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county and represent anywhere from one to five clients on a specific docket, requiring great preparation and organization.

Ms. Jacobson reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: none;
- (b) State: on average, multiple times per week

Ms. Jacobson reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 10%;
- (b) Criminal: 0%;
- (c) Domestic: 90%;
- (d) Other: N/A

Ms. Jacobson reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: N/A.
- (b) Non-jury: 100%

Ms. Jacobson provided that during the past five years she most often served as sole counsel.

The following is Ms. Jacobson's account of her five most significant litigated matters:

- (a) Gresh vs. Black was significant to me because of its complexity. This case had multiple aspects of family law. I represented, a Father who had been arrested for murdering his wife, while his two daughters were in the house. The case involved: child welfare, termination of parental rights, adoption, pending criminal charges, a custody dispute between maternal Aunt, maternal Uncle and paternal grandmother, and child pornography allegations. Due to the contentious parties behavior toward the guardian ad litem, necessitated her hiring for herself. An attorney guardian ad litem hiring representation during family court litigation is rare. A specific judge was assigned the entire matter because of its complex status. The case was litigated for nearly two years. The parties reached an agreement after two days of trial.

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- (b) Steven Smith was wrongfully accused of sexually abusing his four-year-old daughter when his daughter contracted gonorrhea. Mr. Smith was incarcerated for a drug related charge, shortly after the birth of his daughter. He remained incarcerated until she was approximately four years old. Mr. Smith visited his daughter on two occasions at his Mother's home after his release from prison. DSS alleged that Mr. Smith was prescribed antibiotics to cure his gonorrhea once he was accused of sexually abusing his daughter, however presented no medical evidence to substantiate this claim. The Solicitor's office declined to prosecute based on insufficient evidence. The minor child's forensic disclosure at the child advocacy center was admittedly problematic. Despite DSS presenting two different medical experts, neither expert was able to establish the chain of custody of the gonorrhea test with my use of the hearsay rule of evidence.
- (c) DSS vs. Candace Parks was significant to me because my client's competency was an issue. She was a victim of childhood sexual abuse. She had a prior history of trauma. She was in a domestically violent relationship with a sex offender. She and the sex offender had five children. The children disclosed sexual abuse. Both Mother and Father were indicted for criminal sexual misconduct with their children. Because Ms. Parks had a traumatic past and struggled with understanding our conversations related to her case, I brought a motion to appoint a guardian ad litem to represent her best interest. It was ultimately found that she was competent, though she presented with an extremely low IQ. She received probation for the criminal charges.
- (d) Gros vs. Gros was significant to me and continues to be significant to me because it involves litigants who have been in and out of court for five years. My client's former spouse continues to file motions and attempt to bring new issues to the court's attention. We continue to prevail on the majority of the issues.
- (e) In John Brown vs. Eman Brown, we sought an order for protection for our male client, which is not the typical, because Wife ripped a glass top oven out of the kitchen wall in the parties marital home, smashing it to pieces

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with a hammer, following a marital dispute. Mr. Brown was fearful for his and his children's personal safety. It was granted. Ms. Brown violated the order for protection by appearing at the parties' marital home intoxicated and belligerent, continuing to threaten Mr. Brown's personal safety. I filed a contempt action based on the violation of the order for protection. Ms. Brown was found to be in willful contempt and in violation of the prior court order. She was sentenced to the detention center. John Brown vs. Eman Brown was significant to me because of the defendant's hostile and dangerous nature. Ms. Brown was self represented and was so hostile that co-counsel and I moved for a restraining order. Ms. Brown threatened me through email, in the courtroom and by text message. She appeared unannounced at co-counsel's law firm and walked into his personal office in the middle of a client meeting, necessitating the police to be called.

The following is Ms. Jacobson's account of two civil appeals she has personally handled:

- (a) South Carolina Department of Social Services vs. Pompey, Appeal from Dorchester County, Filed October 2, 2015, Unpublished Opinion No. 2015-UP-475, Appellate case No. 2015-000661
- (b) South Carolina Department of Social Services vs. Monique Jenkins, Appeal from Dorchester County, Filed January 31, 2019, Unpublished Opinion No. 2019-UP-051, Appellate case no.: 2018-000291

Ms. Jacobson reported she has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Jacobson's temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Jacobson to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and

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“Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also commented, “Great demeanor, dedicated, good experience, thoughtful.”

Ms. Jacobson is married to Jack A. Landis. She has two children.

Ms. Jacobson reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar
- (b) Charleston County Bar
- (c) American Bar: Child Parents’ Attorneys in Child Welfare Chapter

Ms. Jacobson provided that she was a member of the following civic, charitable, educational, social, or fraternal organization:

I am a member of the South Carolina Bar and participate in the South Carolina Bar Mock Trial Program which involves middle school and high school students.

Ms. Jacobson further reported:

There is little that I can add that has not already been covered by this Questionnaire, however, I believe that for the past fourteen years of practice as a family court practitioner, I have had the opportunity to encounter nearly every aspect of family law. I have been fortunate to have the privilege to represent clients from all walks of life, giving me a well rounded view and respect for the many different types of people whom I have encountered and the personal struggles that they may have had. I treat my fellow colleagues with respect, a pleasant attitude and understanding. We all have a significant job to do, as family court attorneys. One can advocate in a zealous manner, but continue to be respectful, kind and civil to opposing counsel and/or opposing parties. Also, having been through a divorce and being a parent of two daughters with divorced parents, I understand the challenges that litigants may experience when doing the same. My personal experience would only lend itself to more compassion, patience and understanding for them.

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- (11) Commission Members' Comments:
The Commission commented on the variety of Ms. Jacobson's experience in family law practice, and noted the positive comments in both the BallotBox survey and the Citizens Committee report. The Commission also commended her for volunteering her services for mock trial for middle school and high school.
- (12) Conclusion:
The Commission found Ms. Jacobson qualified, and nominated her for election to Family Court, Ninth Judicial Circuit, Seat 5.

Julianne M. Stokes
Family Court, Ninth Judicial Circuit, Seat 5

Commission's Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Stokes meets the qualifications prescribed by law for judicial service as a Family Court judge.
- Ms. Stokes was born in 1981. She is 38 years old and a resident of Charleston, South Carolina. Ms. Stokes provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Stokes.
- Ms. Stokes demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.
- Ms. Stokes reported that she has not made any campaign expenditures.

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Ms. Stokes testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Stokes testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Stokes to be intelligent and knowledgeable.

Ms. Stokes reported that she has taught the following law-related courses:

- (a) Moderator and course organizer, South Carolina Bar guardian ad litem training and update seminar in 2018, 2019, (planning 2020)
- (b) Presenter, Charleston County Bar Association "What Works for Your Practice" (in area of family law), 2018
- (c) Presenter, South Carolina Bar guardian ad litem training, 2017
- (d) Presenter, South Carolina Bar guardian ad litem training, 2014
- (e) Presenter, South Carolina Bar's Hot Tips from the Coolest Domestic Law Practitioners, 2013

Ms. Stokes reported that she has published the following:

I prepared written materials for the various continuing legal education seminars referenced above. I also served as editor of South Carolina Family Law Mediation, a Guide for Mediators and Attorneys authored by Sean Keefer, with an anticipated publication date of 2019 by the South Carolina Bar.

(4) Character:

The Commission's investigation of Ms. Stokes did not reveal evidence of any founded grievances or criminal allegations made against her.

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The Commission's investigation of Ms. Stokes did not indicate any evidence of a troubled financial status. Ms. Stokes has handled her financial affairs responsibly.

The Commission also noted that Ms. Stokes was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Stokes reported that her last available rating by a legal rating organization was Super Lawyers Rising Star in the area of family law in years 2012, 2013, 2014, 2015, and 2016.

Ms. Stokes reported that she has not served in the military.

Ms. Stokes reported that she has never held public office.

(6) Physical Health:

Ms. Stokes appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Stokes appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Stokes was admitted to the South Carolina Bar in 2006.

She gave the following account of her legal experience since graduation from law school:

(a) 2006-2009: Associate attorney practicing family law with Andrews & Shull, PC. Handled my own time-keeping and reviewed invoices and trust account statements monthly. Actively litigated numerous divorce, custody, and modification actions, including taking depositions, attending mediations, and sitting second chair in Family Court trials.

(b) 2009-2010: Associate attorney practicing family law with Shull Law Firm, LLC. Actively litigated numerous divorce, custody, and modification actions. Handled my own time-keeping and reviewed invoices and trust account statements

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monthly. Actively litigated in the family court and was certified as a Family Court Mediator and guardian ad litem (continuing to present).

(c) 2011: Partner practicing family law with Shull & Stokes, LLC. Reviewed monthly bills and trust account statements monthly. Actively litigated numerous divorce, custody, and modification actions. Litigated an 11-day custody trial during this year.

(d) 2011-2019: Partner practicing family law with Stokes & Haselden, LLC. Managing partner handling all financial management of trust accounts. Litigated and mediated hundreds of private divorce, custody, and modification actions, and served as guardian ad litem during litigation and trial of numerous matters. I also served as arbitrator for divorce issues.

(e) May 2019: Former law partner took position as magistrate judge and left private practice. Now solo practitioner litigating and mediating family law matters with Stokes Family Law & Mediation, LLC. I also serve as court-appointed guardian ad litem. Handle all financial management of trust accounts.

Ms. Stokes further reported regarding her experience with the Family Court practice area:

(a) Divorce and equitable division: For the past 13 years I have represented litigants in divorce actions, including division of assets and debts and spousal support issues. My involvement ranges from contested motion hearings to multiple-day trials to lengthy arbitrations involving complex financial components, such as off-shore accounts and intricate business interests. I frequently work with financial experts in the more complicated cases, as there are often businesses to be valued and tax consequences to be considered. While most of my cases settle at mediation, effective resolution requires preparation and knowledge of the marital estate and how its division might impact my client and his/her income stream.

(b) Custody: The bulk of my practice involves litigation and mediation of child-related issues. I frequently serve as court-appointed guardian ad litem in private custody actions, including preparation of final reports for and testimony at trial. I also serve as a mediator in custody and visitation matters. Last year I successfully tried a six-day custody case which had previously

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been deemed “complex.” Prior to that, I settled a custody trial after four days of testimony, and litigated to completion an 11-day custody trial with my law partner.

(c) Adoption: I have served as guardian ad litem in private adoption actions and have represented adoptive step-parents and biological parents relinquishing his/her rights in private adoption matters.

(d) Abuse and neglect: I have been involved in DSS actions as counsel for a defendant accused of abuse or neglect. These cases were resolved prior to any merits hearings.

(e) Juvenile justice: While I have not appeared as counsel for juveniles in the family court, I am familiar with the statutes and caselaw involved in handling these matters and intend to conduct additional observations of juvenile hearings.

Ms. Stokes reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: 1-5 times per week. This week, for example, I had one contested and four uncontested hearings in Charleston County Family Court

Ms. Stokes reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 0%
- (c) Domestic: 100%
- (d) Other: n/a.

Ms. Stokes reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Ms. Stokes provided that during the past five years she most often served as sole counsel.

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The following is Ms. Stokes' account of her five most significant litigated matters:

- (a) Amanda M. Byfield v. Nathan F. Albertson, Case No. 2015-DR-2429, Charleston County Family Court. I represented the Defendant/Father in this child custody modification action. At the time Mother filed the lawsuit, the parties' older daughter had refused to visit Father for almost two years. The parties' younger daughter was beginning to refuse visitations. Mother sued to suspend Father's contact with the children and for an order allowing her to relocate with the children to the United Kingdom. I obtained an order appointing a joint expert, Dr. Allison Foster, to conduct a custody evaluation. Dr. Foster concluded that Mother was psychologically abusing the children through her campaign of denigration against Father. Following the release of Dr. Foster's report, I was able to negotiate for the younger daughter to begin exercising alternating weekly time with her father, thereby allowing her to establish a healthy bond with her newborn sister (from Father's second marriage). We were scheduled for a weeklong custody trial, but resolved the matter by agreement the morning trial was to commence. I authored the agreement, which included an intensive reunification program in Florida for Father and the parties' older daughter; the involvement of a parenting coordinator to oversee the family's aftercare; and a no-contact provision between Mother and the older daughter immediately following the reunification program. We also obtained a change of custody from Mother to Father.
- (b) Nathan F. Albertson v. Amanda M. Byfield, Case No. 2017-DR-10-2491, Charleston County Family Court. One year following the resolution of the case referenced above, Father was exercising substantial parenting time with both of his daughters. Mother refused to continue working with the parenting coordinator. As Mother's time with the older daughter gradually increased, however, that daughter began to decompose emotionally around Father. Ultimately, after spending one full week with her Mother for the first time since the reunification program, the older daughter (then age 17)

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refused to return to Father. I filed an emergency action, which was deemed complex. We sought and obtained an emergency ex parte order requiring the older daughter to return to her father's care. When she refused, the Court determined Mother was unfit to have custody of the children and DSS commenced an action against both parents. The older daughter remained in foster care until her emancipation, and I worked with both DSS and various mental health experts for the following year while the case was pending. Mother exercised supervised visitation with the younger daughter pending a merits hearing. After a six-day trial, my client was granted sole custody of the younger daughter, with Mother having minimum visitation and no long holidays. I was also granted attorney's fees. In an award of attorney's fees for my client, the Court indicated in its Final Order, "Plaintiff's counsel in this case enjoys the hard-earned reputation of being competent, ethical and extremely professional."

- (c) Patricia Ong v. Jerry Ong, Case No. 2012-DR-10-4340, Charleston County Family Court. I represented the Plaintiff/Wife in a divorce from her husband on the ground of adultery after 35 years of marriage. Husband owned interests in multiple commercial real estate companies with complex investments. His stream of income, as well as the value of the assets, were both at issue. We agreed to binding arbitration of the financial issues and after a four-day hearing, which included direct and cross examination of multiple experts, I successfully obtained substantial alimony and more than fifty percent of the marital estate, as well as legal fees, for my client.
- (d) Tanya Lewellyn v. Justin James, Case No. 2009-DR-10-1253, Dorchester County Family Court. I represented the Plaintiff/Mother in a custody modification action spanning over two years. After multiple depositions and voluminous discovery, we attended four days of a weeklong trial. With encouragement from the trial judge, we ultimately settled the matter with a detailed final agreement. At the time of trial, I was nursing an eight-week-old baby, but I was able to successfully

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litigate and ultimately resolve a high-conflict custody matter.

- (e) Gitter v. Gitter, Case No. 2008-DR-10-2865, Charleston County Family Court. I represented the Defendant/Mother in this 11-day custody modification trial. Mother was represented by several other attorneys prior to retaining my law firm shortly before trial. I prepared for approximately two dozen witnesses, including experts. Following trial, my client transitioned from supervised time with her daughter to unsupervised, regular weekend contact. This case was impactful due to the tremendous amount of preparation for court and the substantial time in the courtroom.

The following is Ms. Stokes' account of the civil appeal she has personally handled:

- (a) Nancy W. McGowan v. Philip A. McGowan, M.D. et al., S.C. Court of Appeals. This was an appeal filed from the Charleston County Family Court by the opposing party during the pendency of the underlying divorce case. I successfully negotiated the voluntary dismissal of this interlocutory appeal after initial briefs but prior to any oral argument.
- (b) In the case of post-trial appeals, I have associated appellate counsel and have remained actively involved in the appellate process, but not as counsel of record.

Ms. Stokes has not personally handled any criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Stokes' temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Stokes to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The

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Committee also noted, “Considerable experience, very knowledgeable and personable, extremely well qualified - super candidate.”

Ms. Stokes is married to Joshua P. Stokes. She has three children.

Ms. Stokes reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association – Family Law Section
- (b) Charleston County Bar Association
- (c) South Carolina Women Lawyers Association
- (d) South Carolina Resolution of Fee Disputes

Ms. Stokes provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Trustee, James Island Presbyterian Church, Charleston, SC
- (b) Treasurer, James Island Charter High School Board of Directors
- (c) Member, James Island Yacht Club Ladies Auxiliary.

Ms. Stokes further reported:

From a young age I recognized the importance of public service. My mother and father met as parole officers for the Department of Juvenile Justice, and later my father was a director at DJJ in Columbia prior to taking a position as administrator for the Laurens County School District. My mother earned a degree in Special Education and taught for over 30 years. Watching my parents serve in public education in a low-income school district opened my eyes to many families’ challenges. It was not unusual for our family to deliver clothing or food to a student my mother knew was in need. I was also raised to volunteer my time and talents with our local community. For example, I volunteered in a classroom with special needs children, with the hospital auxiliary, and without various church fundraisers and community outreach activities.

I attended Presbyterian College, where our school’s motto is “Dum Vivimus Servimus” (“while I live, I serve”). We were encouraged to give back wherever and whenever possible. In

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addition to volunteering with Special Olympics, I was elected Chair of our school's Honor Council. At that time, PC's Honor Code was enforced by its student led counsel, to include making decisions involving expulsion from the school for alleged violations. It was there I first realized that justice is a balance between accountability and compassion.

Throughout my adolescence and young adulthood, I also observed my grandfather, the Honorable Julius H. Baggett (Circuit Court, Retired), give back to his community through his time on the bench. He was known best, perhaps, for his fiery temperament, but also for his empathy toward litigants and criminal defendants often accused of heinous crimes – but always innocent until proven guilty in his courtroom. He exemplified impartiality, while upholding the rule of law and being careful not to legislate from the bench.

Each of these stages of my life influenced my desire to attend law school, where I immediately felt pulled toward the practice of family law. It is difficult to imagine another area of law wielding the possibility of upheaval to the family dynamic more so than a divorce, youth arrest, or abuse/neglect situation. My desire in law school, and now, is to help people wherever situated and in whatever way equipped I might be. While I have a thriving family law practice and truly enjoy the litigation, mediation, and guardian ad litem work I do on a daily basis, I cannot ignore the call I feel to public service. I believe that my 13 years of practice have prepared me for this tremendous step. A litigant's day in court is a day which could change his or her life forever. It is critical that our finders of fact and law be well-equipped, well-respected, and beyond ethical reproach. I am well qualified in each area needed to ensure the ends of justice are met. It would be an honor to serve the State of South Carolina in the capacity of family court judge.

(11) Commission Members' Comments:

The Commission commented that Ms. Stokes is an impressive candidate and that she is very knowledgeable and passionate about serving on the Family Court bench. They noted that she is very well respected and well qualified for this position.

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(12) Conclusion:

The Commission found Ms. Stokes qualified, and nominated her for election to Family Court, Ninth Judicial Circuit, Seat 5.

M. Scott McElhannon
Family Court, Tenth Judicial Circuit, Seat 3

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Tenth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. McElhannon meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. McElhannon was born in 1962. He is 57 years old and a resident of Anderson, South Carolina. Mr. McElhannon provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. McElhannon.

Mr. McElhannon demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. McElhannon reported that he has not made any campaign expenditures.

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Mr. McElhannon testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. McElhannon testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. McElhannon to be intelligent and knowledgeable.

Mr. McElhannon reported that he has taught the following law-related courses:

- (a) I was a speaker at a juvenile justice seminar in Biloxi, Mississippi. I spoke about the Anderson County Juvenile Arbitration Program for first time juvenile offenders. I was director of that program.
- (b) I was a panel member for the juvenile prosecution seminar which was part of the annual Solicitor's Conference. The panel discussed various issues in juvenile justice and fielded questions from the audience.
- (c) I have spoken to several high school classes regarding juvenile justice law.

Mr. McElhannon reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. McElhannon did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. McElhannon did not indicate any evidence of a troubled financial status. Mr. McElhannon has handled his financial affairs responsibly.

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The Commission also noted that Mr. McElhannon was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. McElhannon reported that he is not rated by any legal rating organization.

Mr. McElhannon reported that he has not served in the military.

Mr. McElhannon reported that he has never held public office.

(6) Physical Health:

Mr. McElhannon appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. McElhannon appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. McElhannon was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) Dowling, Sanders, Dukes, Svalina & Williams, August 1988 – April 1989; Beaufort, South Carolina
Associate attorney practicing in Family Court, General Sessions and Common Pleas.

(b) Svalina, Richardson & Smith, April 1989 – November 1990; Beaufort, South Carolina
Associate attorney practicing in Family Court, General Sessions and Common Pleas.

(c) M. Scott McElhannon, Attorney at Law. January 1991 – March 1992; Honea Path, South Carolina
Sole practitioner practicing in Family Court, General Sessions and Common Pleas. I was directly and solely involved in the

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administrative and financial management of this firm, including the management of the trust account.

(d) Law Office of Raymond MacKay, April 1992 – June 1995; Anderson, South Carolina

Associate attorney practicing in Family Court, General Sessions and Common Pleas.

(e) M. Scott McElhannon, Attorney at Law, July 1995 – December 1999; Anderson, South Carolina

Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period I was also a contract Public Defender handling juvenile cases in Family Court. I was directly and solely involved in the administrative and financial management of this firm, including the management of the trust account.

(f) Solicitor's Office, Tenth Judicial Circuit. January 2000 – March 2009; Assistant Solicitor; Anderson, South Carolina

From January, 2000 to June, 2005 I prosecuted all juvenile cases in Family Court. I was also Director of Juvenile Services which included the Juvenile Arbitration Program. From June, 2005 to March, 2009, I prosecuted cases in General Sessions, as well as continuing to prosecute juvenile cases in Family Court as needed.

(g) M. Scott McElhannon, Attorney at Law, March, 2009 – September, 2015; Anderson, South Carolina

Sole practitioner practicing in Family Court, General Sessions and Common Pleas. During this period I was also a conflict 608 attorney for the Office of Indigent Defense handling conflict criminal adult and juvenile cases in Anderson County and Oconee County. I was solely and directly involved in the administrative and financial management of this firm, including the management of the trust account.

(h) South Carolina Department of Social Services, September, 2015 – March, 2017; Anderson, South Carolina

Staff attorney prosecuting child abuse and neglect cases, termination of parental rights, and abuse of vulnerable adult cases. After nine months I was promoted to managing attorney for the Tenth Judicial Circuit.

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(i) Solicitor' Office, Tenth Judicial Circuit, March, 2017 – present; Assistant Solicitor; Anderson, South Carolina
I prosecute General Sessions cases in Circuit Court in Anderson County. In addition, I prosecute juvenile cases in Family Court when needed. I participated in the juvenile waiver hearing for the Townville Elementary School shooting case in February, 2018.

Mr. McElhannon further reported regarding his experience with the Family Court practice area:

Divorce and equitable division of property: While in private practice from 1988 to 2000 and from March, 2009 to September, 2015, I handled many divorce cases in which equitable division of property was an issue. Most of the cases were settled by way of a property settlement agreement. In some cases the division of property remained an issue and was tried before a Family Court judge.

Child custody: I have handled numerous cases in which child custody was an issue. I have also been the guardian ad litem for children in numerous cases. I have submitted written guardian ad litem reports, as well as testified as guardian ad litem in court. From September, 2015 to March, 2017, as an agency attorney with the South Carolina Department of Social Services, custody and placement of children was always an issue.

Adoption: During my years in private practice I represented parents who were adopting children. While working as an agency attorney for the South Carolina Department of Social Services, I handled cases in which the ultimate result was the adoption of children by foster parents. I have also served as guardian ad litem for children who were being adopted.

Abuse and neglect: During my years in private practice I represented parents in abuse and neglect cases. As an agency attorney with the South Carolina Department of Social Services I handled numerous abuse and neglect cases involving children, as well as abuse of vulnerable adult cases.

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Juvenile justice: I have extensive experience with juvenile justice. I have defended juveniles while in private practice as well as serving as a contract Public Defender for two years. During that time, I handled hundreds of juvenile cases. I prosecuted juveniles as an Assistant Solicitor for over five years. I handled thousands of juvenile cases during that time. I have handled every type of case in juvenile court, including three murder cases in which the juvenile was waived to General Sessions as an adult. In 2001, I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution in Family Court.

Mr. McElhannon reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: While in private practice, I was in court almost every week, either in Family Court or General Sessions Court. As an agency attorney with the South Carolina Department of Social Services, I was in Family Court at least one day a week, and most weeks more than one day. As an Assistant Solicitor, I am in General Sessions Court multiple days each month. I also appear in Family Court on juvenile cases when needed.

Mr. McElhannon reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 50%
- (c) Domestic: 50%
- (d) Other: 0%

Mr. McElhannon reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 2%
- (b) Non-jury: 98%

Mr. McElhannon provided that during the past five years he most often served as sole counsel. I have most often served as

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sole counsel on all Department of Social Services cases. As an Assistant Solicitor, I have served as sole counsel, chief counsel and associate counsel almost equally.

The following is Mr. McElhannon's account of his five most significant litigated matters:

- (a) State v. Kristopher M. Miller, (363 S.C. 635, 611 S.E. 2nd 309) (App. 2005)

This was a murder case in which the defendant was a juvenile. After a waiver hearing the Family Court judge issued an order waiving jurisdiction to the Circuit Court. The defendant appealed the waiver. The South Carolina Court of Appeals affirmed the Family Court's waiver finding that there was evidence in the record to support the Family Court judge's overall decision to waive jurisdiction to the Circuit Court. The defendant was convicted in Circuit Court.

- (b) State v. Jesse Newton

This was a murder case in which the defendant was a juvenile. After a waiver hearing the Family Court judge waived jurisdiction to the Circuit Court. The defendant was convicted in Circuit Court.

- (c) State v. Jesse Osborne

This was a case where the defendant was a juvenile. The defendant murdered his father and then went to an elementary school where he murdered one student and injured several others. After a four day waiver hearing, the Family Court judge waived jurisdiction to the Circuit Court. The defendant was convicted in Circuit Court and is awaiting sentencing.

- (d) State v. Braxton J. Bell, (374 S.C. 136, 646 S.E. 2nd 888) (App. 2007)

This was a murder case in which the defendant attempted to have the Tenth Circuit Solicitor's Office disqualified from prosecuting on the basis of a conflict of interest. The Circuit Court found that the defendant did not show any actual prejudice to his case. The defendant was tried and convicted. The South Carolina Court of Appeals affirmed the Circuit Court's ruling and the defendant's conviction.

- (e) State v. Leroy Archie

This was a murder case in which the State served the defendant with Notice to Seek Life without Parole based on the defendant's prior convictions. After a trial in Circuit

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Court the defendant was convicted and sentenced to life without parole.

Mr. McElhannon reported he has not personally handled any civil or criminal appeals.

Mr. McElhannon further reported the following regarding unsuccessful candidacies:

I ran for the position of Family Court Judge for the Tenth Judicial Circuit in 2008 upon the retirement of the Honorable Barry W. Knobel. I was successfully screened and found qualified. I withdrew from consideration prior to the election.

(9) Judicial Temperament:

The Commission believes that Mr. McElhannon's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. McElhannon to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also noted, "The persons interviewed regarding Mr. McElhannon described a candidate who meets or exceeds all of the requirements of the evaluative criteria."

Mr. McElhannon is married to Shirley H. McElhannon. He has one child.

Mr. McElhannon reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Anderson County Bar Association

Mr. McElhannon provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

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Mr. McElhannon further reported:

I have been a practicing attorney for thirty-one years. During that time, I have been in private practice and public service practice. I was in private practice from 1988 to 2000. While in private practice I handled virtually every type of case that can be heard in Family Court. From 1998 to 2000, I was a contract Public Defender handling all the juvenile cases that came through the Public Defender's Office. In January 2000, I became a full-time Assistant Solicitor handling all juvenile matters, including being the director of the Anderson County Juvenile Arbitration Program. I was also a founding member of the Anderson County Juvenile Drug Intervention Court. I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution in Family Court in 2001. I continued handling all juvenile court matters in Anderson County until June 2005. At that time, I began prosecuting cases in General Sessions Court. I continued to handle juvenile cases when needed until March 2009. I returned to private practice in March 2009 where I again began handling private domestic cases. I also became a 608 conflict attorney and handled adult and juvenile cases in which the Public Defender's Office had a conflict. I continued in private practice until September 2015 when I was recruited by the South Carolina Department of Social Services to become a staff agency attorney. After approximately nine months as a staff attorney I was promoted to managing attorney for the Tenth Judicial Circuit. I handled abuse and neglect of children, termination of parental rights, and abuse and neglect of vulnerable adult cases. In March 2017 I returned to the Tenth Circuit Solicitor's Office as an Assistant Solicitor. As an Assistant Solicitor I have either handled or assisted handling three juvenile waiver hearings in which the juvenile was charged with murder, the last hearing taking place in February 2018.

In summary, I believe that my overall experience in thirty-one years of practicing in Family Court has prepared me fully to be a fair, impartial and just Family Court judge.

(11) Commission Members' Comments:

The Commission commented that Mr. McElhannon was intelligent, professional, and well qualified. Furthermore, they

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were impressed by his excellent temperament and wealth of experience in many areas of family law.

(12) Conclusion:

The Commission found Mr. McElhannon qualified, and nominated him for election to Family Court, Tenth Judicial Circuit, Seat 3.

**Brittany Dreher Senerius
Family Court, Tenth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

For the vacancy for Family Court, Tenth Judicial Circuit, Seat 3, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Senerius meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Senerius was born in 1983. She is 36 years old and a resident of Anderson, South Carolina. Ms. Senerius provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2008.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Senerius.

Ms. Senerius demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

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Ms. Senerius reported that she has not made any campaign expenditures.

Ms. Senerius testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Senerius testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Senerius to be intelligent and knowledgeable.

Ms. Senerius reported that she has taught the following law-related course:

Adjunct Professor, Anderson University 2010 – 2012: PreLaw Class – Introductory class covering the basic aspects of the legal world. This class focused on the major areas of law and the structure of the state and federal courts.

Ms. Senerius reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Ms. Senerius did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Senerius did not indicate any evidence of a troubled financial status. Ms. Senerius has handled her financial affairs responsibly.

The Commission also noted that Ms. Senerius was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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- (5) Reputation:
Ms. Senerius reported that she is not rated by any legal rating organization.
- Ms. Senerius reported that she has not served in the military.
- Ms. Senerius reported that she has never held public office.
- (6) Physical Health:
Ms. Senerius appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Ms. Senerius appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Senerius was admitted to the South Carolina Bar in 2008.

She gave the following account of her legal experience since graduation from law school:

(a) Law Clerk to the Honorable Alexander Macaulay – 10th Circuit Court Judge (Active/Retired): Researched questions of law. Wrote memorandums for Judge Macaulay regarding specific cases, as well as general questions of law. Assisted Judge during trials, motions, and plea hearings. Corresponded with attorneys and pro se litigants to facilitate each week's docket. Kept up with Orders to be signed and advised Judge of updates in case law and statutory law for relevant cases before the Court.

(b) Attorney for Cass Elias McCarter Guardian ad Litem Program:

i. Anderson County Attorney / June 2010 – May 2017

ii. Oconee County Attorney / October 2016 – May 2017

Represented volunteer guardians ad litem at all court hearings, mediations, and meetings. Reviewed each case, made case assessments, and developed strategic plans while maintaining communication with each guardian ad litem. Advised guardians ad litem with legal guidance and researched applicable case law.

(c) Junior Partner at Senerius Law Firm / August 2009 – May 2017:

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i. Family Court Attorney / Guardian ad Litem (Minor Children and Incapacitated Adults): Met with potential clients to consult regarding needs and develop trust to establish a professional relationship evidenced by contract of representation at consultation. Represented clients on issues relating to divorce, such as division of marital property, custody, child support, and alimony. Appointed by Court to represent the best interest of minor children as their Guardian ad Litem in family court litigation, including custody, placement, visitation, and relocation. Appointed by Court to represent the best interest of incapacitated adults as their Guardian ad Litem in probate court. Conducted case assessments, legal research, and strategic planning for cases while keeping clients informed of progress and documenting time/updating case management system related to case.

ii. Legal Office Management: Managed office with one (1) other attorney and four (4) staff members. Oversaw client billing/accounts and trust accounting reviews monthly. Provided/Oversaw ordering of supplies, promotional material, and coordinating contracts for maintenance of office equipment.

(d) Department of Social Services

i. Attorney III / May 2017 – May 2019: Staff cases with members of the Anderson County Child Protective Services Office, to include Investigators, Family Preservation Caseworkers, Foster Care Caseworkers and Adult Protective Services Caseworkers, and their supervisors. Review and manage caseload, to include preparing for trial, prosecuting abuse and neglect cases, including adult protective services cases. Provide legal guidance to agency employees when needed relating to child and adult protective services issues.

ii. Interim Managing Attorney / May 2019 – Present: All responsibilities listed in Attorney III position. In addition, reviewing and managing entire office's caseload. Assisting and monitoring all attorneys relating to issues such as meeting necessary deadlines, case/file review, preparation for trial/hearings, and conduct/interaction with other staff, the public, members of the bar and the judiciary.

Ms. Senerius reported the frequency of her court appearances during the last five years as follows:

- (a) Federal: None
- (b) State: Three-Four times each week

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Ms. Senerius reported the percentage of her practice involving civil, criminal, and domestic matters during the last five years as follows:

- (a) Civil: Ten
- (b) Criminal: Ten
- (c) Domestic: Eighty
- (d) Other: NA

Ms. Senerius reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: Five
- (b) Non-jury: Ninety-Five

Ms. Senerius provided that:

I most often served as sole counsel. However, as I practiced with an experienced partner, I was able to utilize his experience and expertise if I came across a situation I was unfamiliar with. Additionally, I have been fortunate to have a working relationship with a number of members of my local and state bar that allowed me to contact them for additional guidance when appropriate.

The following is Ms. Senerius' account of her five most significant litigated matters:

- (a) SCDSS v. Michelle Gursky, et al – Significance: I represented the Volunteer Guardian ad Litem in this matter. This case involved some of the most significant abuse of any case I have been involved with and required a number of hearings both in the underlying removal action as well as the subsequent termination of parental rights action. Given the nature and substance of this case, there were a number of interests that had to be balanced while advocating for the protections necessary for the minor children. The TPR portion of this case was appealed to the South Carolina Supreme Court and Affirmed therein. SCDSS v. Michelle G. and Robert L., Opinion No.: 27371 (S.C. Sup. Ct. filed March 27, 2014).
- (b) Jessica Pitts v. Jason Pitts, Case No.: 2015-DR-04-623 – Significance: I represented the Plaintiff/Mother in this action. Mrs. Pitts is still one of the most hardworking clients/mothers I have come into contact with during my

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legal life. With the abuse she suffered during her marriage, this case required a great deal of patience and guidance to keep my client on track to achieve the most beneficial outcome for her. Making sure she was fully aware of the possible outcomes so she could make the best decision for herself and her children involved a lot of different aspects. This case truly taught me how necessary patience is when dealing with all clients/parties we come into contact with.

- (c) SCDSS v. Ivoree Malcom, et al – Significance: I represented the Volunteer Guardian ad Litem in this matter. This case required multiple days to try, to include a number of days (and even months) in between trial dates. This case helped teach me how to be truly organized and take notes from trial to make sure I have a full understanding of what happened during the previous day(s). Additionally, this case required attendance at multiple motion hearings prior to the trial of the case. This case helped me increase my abilities regarding cross-examination.
- (d) State v. Hinton, Case No.: 2009-GS-37-1347 – Significance: I served as second chair during this case and subsequent trial. I learned a lot about trial strategy and client control during this case.
- (e) State v. Abdelhamid Yousef Mefleh – Significance: I served as second chair during this case and subsequent trial. This was the first major trial I was a part of and helped me really get myself acclimated to trial work. This case involved motions, press, a large audience, a number of days of trial, and a difficult subject matter.

The following is Ms. Senerius' account of two civil appeals she has personally handled:

- (a) Weatherford v. Weatherford, Opinion No.: 2014-UP-277 (S.C. Ct. App. filed June 14, 2014)
- (b) SCDSS v. Ngoc Tran, Opinion No.: 5445 (S.C. Ct. App. filed October 10, 2016).

Ms. Senerius reported she has not personally handled any criminal appeals.

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- (9) Judicial Temperament:
The Commission believes that Ms. Senerius' temperament would be excellent.
- (10) Miscellaneous:
The Upstate Citizens Committee on Judicial Qualifications found Ms. Senerius "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, and experience; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, and judicial temperament. The Upstate Citizens Committee also noted, "In private cases, which constitute a large and important portion of the family court's workload, a large portion of the candidate's experience has been as a Guardian ad Litem, instead of representing a party in the litigation. Therefore, the committee rated her 'qualified.'"

Ms. Senerius is not married. She has one child.

Ms. Senerius reported that she was a member of the following Bar associations and professional associations:

- (a) Anderson Bar Association
- (b) South Carolina Bar Association
- (c) South Carolina House of Delegates
- (d) Young Lawyers Division
 - i. Tenth Circuit Representative (2015-2017)
 - ii. Cinderella Project Coordinator / Anderson, Oconee, Pickens Counties: 2009, 2010, 2011

Ms. Senerius provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Deacon – Welcome Baptist Church
- (b) Member – Welcome Baptist Church

Ms. Senerius further reported:

I am divorced with a small child. She will turn two (2) years old in September of this year (2019). Her father and I have a great working relationship and co-parent effectively; however, the time she is with me I am a single parent. She spends every other weekend and one night during the off week with her dad. He and I work well together with flexibility on the schedule when the other is in need of it, while trying to maintain as much

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consistency for her sake as possible. Additionally, I have the benefit of both sets of grandparents living within approximately fifteen minutes. Lastly, I have a number of other friends that I can count on at a moment's notice to assist in the care of my child. In the work I do, I understand it is not to be taken lightly that I have so many amazing people my child and I can count on. I know I will have to utilize this "village" if I were to be granted the opportunity to fill the seat being vacated by Judge Edwards. Giving up time that could be spent with my daughter is not something I do without a lot of thought and consideration. I have been asked multiple times whether or not it was worth it. And my immediate answer is, absolutely. Being able to serve as a family court judge is a goal and dream of mine. I have the resources around me to allow me to fulfill my dream, help provide for my daughter, and raise her surrounded by incredible friends and family. I am proud to have the opportunity to show my daughter that I continued working toward my dreams, no matter the outcome.

I am thirty-six (36) years old. I understand that I would be considered a young member of the judiciary, should I be given the chance to hold that position. While I wonder if some might consider this a negative, I think it can be viewed as wildly positive. I have an enthusiasm and excitement for the practice of law that I believe is beneficial for a member of the judiciary. I have no doubt I have the knowledge base to preside over the matters that would come before me. I have greatly benefited from an incredible local bar. I have developed relationships with other bar members that allow me to reach out should I have questions or want to talk through complex issues. I have always valued these relationships and will continue to utilize them when appropriate.

(11) Commission Members' Comments:

The Commission noted that Ms. Senerius exhibited knowledge about Family Court proceedings and thoughtfulness in addressing problems or concerns that may arise there. The Commission appreciated Ms. Senerius' enthusiasm and dedication for work in the Family Court.

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(12) Conclusion:

The Commission found Ms. Senerius qualified, and nominated her for election to Family Court, Tenth Judicial Circuit, Seat 3.

**The Honorable Tarita A. Dunbar
Family Court, Thirteenth Judicial Circuit, Seat 5**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Dunbar meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Dunbar was born in 1961. She is 58 years old and a resident of Greenville, South Carolina. Judge Dunbar provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Dunbar.

Judge Dunbar demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Dunbar reported that she has not made any campaign expenditures.

Judge Dunbar testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

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Judge Dunbar testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Dunbar to be intelligent and knowledgeable.

Judge Dunbar reported that she has taught the following law-related courses:

- (a) I have made a presentation at the year-end Greenville County Bar CLE on family law issues.
- (b) I have spoken at a CLE on behalf of the National Business Institute on top mistakes attorneys make in Family Court.
- (c) I have spoken at CLE for lawyers given by Upstate Mediation on various family law issues.
- (d) I have spoken at a CLE for the South Carolina Bar regarding guardian ad litem training.
- (e) I have spoken on behalf of the South Carolina Bar Young Lawyers Division Color of Justice Committee. Answering questions from young lawyers and students regarding the law and a career in the law.
- (f) Spoke at Palmetto Association for Children and Families Annual Conference on how the family and juvenile court system work.

Judge Dunbar reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Dunbar did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Judge Dunbar did not indicate any evidence of a troubled financial status. Judge Dunbar has handled her financial affairs responsibly.

The Commission also noted that Judge Dunbar was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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- (5) Reputation:
Judge Dunbar reported that she is not rated by any legal rating organization.

Judge Dunbar reported that she has not served in the military.

Judge Dunbar reported that she has never held public office other than judicial office.

- (6) Physical Health:
Judge Dunbar appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Judge Dunbar appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Judge Dunbar was admitted to the South Carolina Bar in 1990.

She gave the following account of her legal experience since graduation from law school:

- (a) Lawyer in general practice, mainly family law (1990-1991).
- (b) Director of Research and Legal Counselor on the South Carolina Senate Corrections and Penology Committee. Did legal research, wrote legal memoranda, attended committee meetings, met with different agencies regarding their concerns and related concerns to committee members and staff, and spoke at a few events on behalf of Senator (1993-1994).
- (c) Contract Attorney with SC Labor Licensing and Regulation. Advised Board Members of the statutes and regulations during hearings. Drafted orders for the Board following a hearing. (2002-03).
- (d) Attorney with Department of Social Services Child Abuse and Neglect. Litigated cases involving the removal of abused or neglected children, vulnerable adults, permanency planning hearings for the family, termination of parental rights and any other matter relating to the family. Usually appeared in court four days a week. (2005-06).

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- (e) Attorney with Department of Social Services Child Support Division. Assisted individuals in establishing and collecting child support, assisted families in resolving their disputes regarding visitation, and assisted the noncustodial parents seeking employment. Collaborated with The Fatherhood Coalition about available community resources, employment opportunities and assistance on how best to help the parents to have harmony in their relationship for the benefit of their children. Also, litigated cases involving paternity, modification of child support, establishing child support, whether to suspend or terminate child support, determined who should rightfully receive child support, and any matter relating directly or indirectly to child support, paternity, and custody. (2006-14).
- (f) Elected to the Family Court Bench Thirteenth Judicial Circuit, Seat 5 on February 5, 2014. Make decisions involving custody, alimony, domestic abuse, youth delinquency, name change, divorce, paternity, child support, disobedience of a court order, bench warrants, abused and neglected children, whether an individual is vulnerable, termination of parental rights, division of marital property, visitation, and adoptions. Draft all orders pertaining to self-represented litigants. Sixty-six thousand two hundred ninety-two (66,292) cases have been heard in Greenville County from January 2015 to June 30, 2019. I attend mostly educational conferences. I have accepted every speaking engagement on which I have been asked to participate. I also participate on committees which promote practices that assist vulnerable families through the legal system.

Judge Dunbar reported that she has held the following judicial office(s):

Elected to Family Court Thirteenth Judicial Circuit, Seat 5 on February 5, 2014. Term of Office began July 1, 2014 until present.

Judge Dunbar provided the following list of her most significant orders or opinions:

- (a) Klein v. Barrett, Op. No. 5647 (S.C. Ct. App. Filed May 8, 2019).
- (b) Hackett v. Harless, Up. Op. No. 2017-UP-117.

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- (c) SC Department of Social Services v. Marroquin, Up. Op. No. 2019-UP-124.
- (d) South Carolina Dept. of Social Services v. Lee, Up. Op. No. 2015-UP-246.
- (e) Smith v. Smith, Op. No. 5597 (S.C. Ct. App. Filed September 19, 2018).

Judge Dunbar has reported no other employment while serving as a judge.

(9) Judicial Temperament:

The Commission believes that Judge Dunbar's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Judge Dunbar to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, and reputation; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also noted, "Members of the community had nothing but positive things to say about Judge Dunbar. All attorneys, who were interviewed, indicated the candidate has a wonderful temperament and meets the evaluative criteria in most areas. However, some attorneys were critical of her understanding of process and legal principles in Family court. Other attorneys believe she has achieved a much higher level of competence due to her hard work and study. Based on our conversations with candidate, the committee believes that she strives to be an excellent Family Court judge."

Judge Dunbar is married to Vernon Fred Dunbar. She has three children.

Judge Dunbar reported that she was a member of the following bar and professional associations:

- (a) Greenville County Bar;
- (b) National Council of Juvenile Family Court Judges and I serve on two standing committees;
- (c) Commission on the Profession;
- (d) South Carolina Family Court Bench Bar Committee;
- (e) South Carolina Supreme Court Historical Society.

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Judge Dunbar provided that she was not a member of any civic, charitable, educational, social, or fraternal organization.

Judge Dunbar further reported:

I grew up without knowing my biological father. My mother never received any financial support from my father nor any governmental assistance. Thus, my mother's primary role was to provide for the family financially. Emotional support was a luxury we could not afford, but I knew I was loved. This experience has given me a greater understanding and empathy of the plight of many single head of households. This has created my compassion for families and children in crisis. I fully understand the emotional, economic and financial hardship that divorce causes. The custodial parent often has very little time to give the necessary nurturing that a child requires.

Because of the tremendous financial obligations, my mother was too physically and emotionally spent. I understand the child that has grown up in that environment often experience depression, low self-esteem and anxiety. As a result the child will resort to engaging in activities that are not reflective of their true character. I experienced these range of emotions as a child and young adult. My experience has given me the tools to craft decisions that best minimize the damaging effects of divorce on parents and their children.

I care deeply for the youth that come before me. I try very hard to make them feel that not only do I care but the flags standing behind me represent the state of South Carolina and its concern for its citizens. I give careful consideration when considering how best to help the youthful offenders become productive citizens in society. Unfortunately, we lack the many mental health and educational programs to ensure success.

My life experience from growing up in a poor, segregated community, and going to a college in an economically advantaged and diversified environment has enable me to relate to every aspect of our society. The litigants in Family Court come from all walks of life and the majority are broken people or in crisis. I possess the legal understanding and practical skills

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and concern to be an effective, strong and compassionate Family Court Judge.

(11) Commission Members' Comments:

Two affidavits were filed against Judge Dunbar by Ms. Lindsay Sellers and Ms. Cynthia Glenn. The Commission thoroughly reviewed all documents and transcripts while carefully considering the allegations and the nine evaluative criteria provided in statute. At the public hearing, the Commission heard testimony and questioned both complainants, and allowed Judge Dunbar to reply to the allegations.

While the Commission did have some initial concerns about Ms. Sellers appearing pro se during a hearing before Judge Dunbar, an examination of the transcripts of the hearing in question does not appear to support the Ms. Sellers' allegations against Judge Dunbar in this matter. In addition, the appellate court, and not the Commission, is the proper forum to address legal issues.

After thoroughly reviewing both complaints, transcripts and hearing testimony at the public hearing, the Commission does not find a failing on the part of Judge Dunbar in the nine evaluative criteria.

(12) Conclusion:

The Commission found Judge Dunbar qualified, and nominated her for re-election to Family Court, Thirteenth Judicial Circuit, Seat 5.

Jean K. McCormick
Family Court, Fourteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

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For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 2, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. McCormick meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. McCormick was born in 1964. She is 55 years old and a resident of Beaufort, South Carolina. Ms. McCormick provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1990.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. McCormick.

Ms. McCormick demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. McCormick reported that she has made less than \$100.00 in campaign expenditures for postage

Ms. McCormick testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. McCormick testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. McCormick to be intelligent and knowledgeable.

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Ms. McCormick reported that she has taught the following law-related courses:

- (a) Instructed and lectured Beaufort County law enforcement and student resource officers during my employment with the Solicitor's Office. (2007-2017)
- (b) Lectured to Beaufort County students regarding the law and juvenile justice. (2007-2017)
- (c) Adjunct Professor at The Technical College of the Lowcountry, 1998 where I taught a variety of courses in the Criminal Law and Paralegal Programs.
- (d) Host and coordinator, continuing legal education accredited Family Court seminar on Juvenile Justice, 1991.

Ms. McCormick reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. McCormick did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. McCormick did not indicate any evidence of a troubled financial status. Ms. McCormick has handled her financial affairs responsibly.

The Commission also noted that Ms. McCormick was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. McCormick reported that her rating by a legal rating organization, Martindale-Hubbell Top Lawyers of the Lowcountry 2013 & 2014, is 4.4 BV.

Ms. McCormick reported that she has not served in the military.

Ms. McCormick reported that she has never held public office.

(6) Physical Health:

Ms. McCormick appears to be physically capable of performing the duties of the office she seeks.

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(7) Mental Stability:

Ms. McCormick appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. McCormick was admitted to the South Carolina Bar in 1990.

She gave the following account of her legal experience since graduation from law school:

(a) Richland County Public Defender, Attorney, Columbia, South Carolina.

Assistant Public Defender, 1991-1993;

Represented adults and juveniles charged with criminal offenses in the Family, Circuit and Magistrate Courts. I was not involved in the administrative or financial management of the office.

(b) Beaufort County Public Defender, Attorney, Beaufort, South Carolina.

Assistant Public Defender, 1993-1995;

Represented adults and juveniles charged with criminal offenses in the Family and Circuit Courts. I was not involved in the administrative or financial management of the office.

(c) United States Army Corps of Engineers, Attorney, Savannah, Georgia.

General Attorney, 1995-1996;

Provided legal advice and assistance to a staff of approximately eighty (80) individuals involving difficult and complex legal and factual issues related to the management and disposal of property acquired by the government. Responsibilities included correlating and reviewing evidence of title, appraisals, foreclosure documents, environmental reports, offers to sell, title insurance policies, deeds, closing documents and other pertinent information for legal sufficiency necessary for the acquisition and resale of properties.

Certified transactions as closing officer and approved payment to proper parties. The program acquired 1786 properties from the Charleston area with an acquisition cost of \$131,271,000.00.

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(d) Peter L. Fuge, Attorney, Beaufort, South Carolina.
Associate, 1996-1997;
Practice of law and litigation in Family Court. I assisted or handled cases involving divorce, equitable division of property, child custody, adoption, abuse and neglect. I was not involved in the administrative or financial management of the office.

(e) Jean K. McCormick, Attorney at Law, Beaufort, South Carolina.
Sole Practitioner, 1998-2006;
Practice of law and litigation in the Family Court, Common Pleas, General Sessions, and certified Family Court Mediator. Handled all administrative and financial matters to include management of trust accounts.

(f) State of South Carolina Office of the Solicitor
Fourteenth Judicial Circuit, Attorney, Allendale, Beaufort, Colleton, Hampton and Jasper Counties, South Carolina.
Assistant Solicitor, 2007-2017;
Practice of law and litigation in Family Court and Circuit Court where I handled Magistrate Court criminal appeals. I was not involved in the administrative or financial management of the office.

(g) Jean K. McCormick, Attorney at Law, Attorney, Beaufort, South Carolina.
Sole Practitioner, 2017-present;
Practice of law and litigation in Family Court and certified Family Court Mediator.

Ms. McCormick reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0
- (b) State: When I worked at the Solicitor's Office (2007-2017) I appeared before a Family Court Judge at least twice a week and one (1) full day once a month.

Ms. McCormick reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%

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- (b) Criminal: 5%
- (c) Domestic: 20%
- (d) Other: Family Court Juvenile Justice 70%

Ms. McCormick reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Ms. McCormick provided that during the past five years she most often served as sole counsel.

The following is Ms. McCormick's account of her five most significant litigated matters:

- (a) In the Interest of John Duncan, 2015-JU-07-190 & 191. This case involved a juvenile who was charged with Murder and Possession of a Firearm during the commission of a violent crime. The juvenile was 15 years old at the time of the shooting. The juvenile searched for the 17 year old victim found him and shot him in the head at a busy tourist location in front of children and families. I filed a Motion to have jurisdiction transferred to the court of General Sessions. A highly contested Waiver Hearing was held on October 28, 2016 and my Motion was granted. The defendant was eventually tried and found guilty by a jury.

If the defendant remained in Family Court, he would have only remained in custody until his 21st birthday and then released with no supervision.

- (b) John Doe #1 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America, 2004-CP-07-791; John Doe #2 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America, 2004-CP-07-792; John Doe #3 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of

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America. 2004-CP-07-793; John Doe #4 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-794; John Doe #5 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-795; John Doe #6 vs. Beaufort County School District; The Beaufort County Board of Education; Boys and Girls Clubs of the Lowcountry and Boys & Girls Clubs of America. 2004-CP-07-796. I represented a licensed clinical psychologist who had been subpoenaed to provide testimony and produce records of any individual she may have treated who was a victim of a teacher who was charged with molesting 6 students. My client was willing to cooperate, but the victims had not given her their authorization.

I was able to protect my client and the confidentiality of her patient's records

- (c) Records have been sealed, 1999-DR-07-_____ & _____. I was selected to serve as the private guardian ad litem for the children in this matter. The family was very wealthy and the husband was a _____ in Beaufort. The party's children were very vocal regarding their wishes. Due to a number of concerning issues, I made a motion for a Family Psychological/Custody Evaluation which was ordered by consent agreement. I called the Psychologist as an expert witness during the weeklong trial. A motion was made by one of the parties requesting that the children be appointed an attorney to represent them in the Divorce, Custody and Separate Maintenance action.

This was a very complex case dealing with equitable distribution, custody, child support and the novel issue of whether children are entitled to their own attorney in their parent's divorce and custody action.

- (d) In the Interest of _____. 1995-JU-07____. This case involved a motion by the defendant to vacate a juvenile adjudication for lack of subject matter jurisdiction for

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Criminal Sexual Conduct 1st degree. The novel issue was that the motion was made 18 years after the adjudication. The defendant was 13 years old at the time of the offense and the victim was 6 years old. At the time of the motion the defendant was 32 years old and the victim 24.

I had to locate the victim in this case and she had to relive the assault which was very traumatic for her. I presented a memorandum on this issues and successfully argued my position and the Motion was denied.

- (e) John & Mary Doe, petitioners, In re: Baby Girl, an infant under one year of age. 2017-DR-07-___. I was appointed to serve as the guardian ad litem for the baby girl in this contested adoption case. The Adoptive parents resided in Texas and the baby girl was born in South Carolina. Her mother signed a consent to adopt without the father's knowledge and alleged that she did not know how to locate him. Prior to the adoption hearing it was discovered that father had registered with the Responsible Father Registry. He was located and contested the adoption.

I actively participated in the Deposition of the father. I believe it was the consensus of the attorneys that as a result of my gentle questioning of the father that the parties were able to amicably come to an agreement that was in the best interest of the child.

Ms. McCormick reported that she has not personally handled any civil appeals.

The following is Ms. McCormick's account of criminal appeals she has personally handled:

I handled Magistrate Court criminal appeals for the Solicitor's Office for 9 years. I appeared in the Circuit Court and before The Beaufort Master in Equity. I cannot recall the case names but handled a wide variety of appeals involving traffic offenses,

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criminal domestic violence, driving under the influence, boating under the influence and illegal shrimping.

(9) Judicial Temperament:

The Commission believes that Ms. McCormick's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. McCormick to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also commented, "Highly qualified, good range of experience in family court."

Ms. McCormick is married to Harvey Wilson McCormick, III. She has three children.

Ms. McCormick reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Beaufort County Bar Association
- (c) Woman Lawyers Association
- (d) Certified Family Court Mediator

Ms. McCormick further reported:

I knew that I wanted to be a lawyer in the 8th grade and I worked hard to get into the University of South Carolina School of Law. When I entered law school my goal was to help others. Most of my legal career has been in public service.

I have had the opportunity to practice on both sides of the law, by serving as a public defender and prosecutor. I think that opportunity will assist me in being a fair and understanding judge.

I am aware and I have witnessed that in divorce and child custody cases the parties are usually at their very worst. This is usually traumatic on the children. I have represented Women

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and Men in divorce and custody actions. I have served as the Guardian ad litem for children of all ages from infants to 17 year olds in custody actions. I have the knowledge and perception from all sides of a divorce case which will result in me being a patient and fair judge.

I have prosecuted and defended juveniles in Family Court. Unfortunately, I have been the parent of a child who was the victim of an assault and appeared in Family Court. I have truly been on all sides of a juvenile court case in family court.

I left the Solicitor's Office in 2017 and since then I have been practicing law part-time serving as guardian ad litem in private custody cases. My priority has always been my husband and my 3 children. My 3rd child will be leaving home in August to attend The Citadel. This is the perfect time in my life to achieve my goal of being appointed to the Family Court.

I believe that I have handled every type of case that comes before a Family Court Judge and I have the knowledge, the ability and the passion to be become a great judge.

- (11) Commission Members' Comments:
The Commission commented that Ms. McCormick has garnered a wealth of knowledge and experience to be a Family Court judge, and is qualified to serve on the Family Court bench.
- (12) Conclusion:
The Commission found Ms. McCormick qualified, and nominated her for election to Family Court, Fourteenth Judicial Circuit, Seat 2.

The Honorable Douglas L. Novak
Family Court, Fourteenth Judicial Circuit, Seat 2

Commission's Findings: QUALIFIED AND NOMINATED

Pursuant to § 2-19-80(A), if fewer than three persons apply to fill a vacancy or if the Commission concludes that there are fewer than three candidates qualified for a vacancy, it shall submit only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

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For the vacancy for Family Court, Fourteenth Judicial Circuit, Seat 2, two candidates applied for this vacancy. Accordingly, the names and qualifications of two candidates are hereby submitted in this report.

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Novak meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Novak was born in 1968. He is 52 years old and a resident of Bluffton, South Carolina. Judge Novak provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Novak.

Judge Novak demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Novak reported that he has not made any campaign expenditures.

Judge Novak testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Novak testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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- (3) Professional and Academic Ability:
The Commission found Judge Novak to be intelligent and knowledgeable.
Judge Novak reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Novak reported that he has not published any books or articles.
- (4) Character:
The Commission's investigation of Judge Novak did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Novak did not indicate any evidence of disqualifying financial issues.

The Commission also noted that Judge Novak was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.
- (5) Reputation:
Judge Novak reported that his last available rating by a legal rating organization, Martindale-Hubbell, was AV Preeminent.

Judge Novak reported that he has not served in the military.

Judge Novak reported that he has never held public office other than judicial office.
- (6) Physical Health:
Judge Novak appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Novak appears to be mentally capable of performing the duties of the office he seeks.

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(8) Experience:

Judge Novak was admitted to the South Carolina Bar in 1993.

He gave the following account of his legal experience since graduation from law school:

- (a) Aiken County Public Defender, 12/15/93-1/15/95
Special Grant Attorney
Assigned to the representation of juveniles in Family Court adjudications.
- (b) Solicitor's Office, Second Judicial Circuit, 1/15/95-1/5/97
Assistant Solicitor
Assigned to full caseload throughout counties in the circuit, in addition to prosecution of juvenile delinquency adjunctions in the Family Court.
- (c) Office of the Governor, 1/6/97-1/5/99
Legal Counsel to the Governor
Served as executive counsel to the Governor including staffing proposed legislation, extraditions, capital case reviews, liaison work with the South Carolina Congressional Delegation and federal agencies associated with the Savannah River Site complex, in addition to representing the State on a number of environmental boards and commissions.
-Low-Level Nuclear Waste Forum -Hazardous Waste Management Select Oversight Committee -South Carolina Natural Resource Trustee -South Carolina Aquatic Plant Management Council -South Carolina Geological Mapping Advisory Committee
-South Carolina Procurement Review Panel
- (d) Montgomery, Patterson, Potts & Willard, LLP, 1/15/99-1/15/01
Partner
General practice law firm with a primary focus on domestic relations, personal injury and corporate litigation.
- (e) Solicitor's Office, Ninth Judicial Circuit, 1/15/01-8/15/04
Assistant Managing Solicitor
Assigned to administration of two (2) county office within circuit, including personnel, budget, grant development and oversight, and department liaison work. Also assigned a caseload for prosecution through trial, diversion and negotiated pleas.

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- (f) Novak and Novak, LLC, 8/15/04-9/1/05
Associate
General practice law firm with a primary focus on municipal representation, real estate, domestic relations and civil litigation.
- (g) Vaux & Marscher, P.A., 9/1/05-6/15/09
Senior Litigator
General practice law firm with a primary focus on criminal defense, civil litigation and domestic relations. In addition, assigned management of firm litigation team and support staff.
- (h) The Novak Law Group, LLC, 7/15/09-present
Attorney
General practice law firm with a primary focus on domestic relations, guardian ad litem work, and extensive practice as a Certified Family Court Mediator. Practice includes the management and oversight of general operating and client trust accounts.
- (i) Beaufort County Magistrate Court, 7/2/12-present
Magistrate
Associate Chief Magistrate, 6/25/18-present
Part-time county Magistrate handling civil and criminal matters (jury and non-jury matters), evictions, restraining orders and bond hearings. In addition, staffed with management of judicial clerks, case/hearing scheduling, roster meetings, processing continuance requests and orders of protection, scheduling trials, and civil/criminal docket management.

Judge Novak reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: N/A
- (b) State: Two – Three times / month as a practicing Attorney
Three – Four times / week as a Magistrate

Judge Novak reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 5%

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- (b) Criminal: 0%
- (c) Domestic: 95%
- (d) Other: 0%

Judge Novak reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Judge Novak provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Novak's account of his five most significant litigated matters:

- (a) Walls v. Kitto (2017, Beaufort County Family Court)
I was appointed by the Family Court to serve as the guardian ad litem in this case for two (2) minor children. The parties were previously divorced with the Mother retaining primary custody of the minor children in South Carolina, and the Father having secured visitation with his new family in the State of New Jersey. The action was filed by the Father to secure out-of-state custody of the minor children based on developments in the children's life in South Carolina and alleged interference with his relationship with them. The case was particularly significant in that one of the two minor children is processing significant gender identity issues and the parents were at odds over how to handle and support the minor child through the process. Further complicating the case was the fact that the Father was not the natural father of the minor child facing the personal issues and this fact was unknown to the minor child. While the case is not yet settled with finality, it appears that a great deal of investigations, out-of-state home visits, work with the parents, counselors, extended family and school officials has successfully addressed what developed as a very real crisis, and the parties have found an avenue to productively co-parent the minor children.
- (b) Heditiniemi v. Heditiniemi (2011, Beaufort County Family Court)

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I was appointed to serve as the guardian ad litem in this case for three (3) minor children. The parties were previously separated with the Mother retaining primary custody of the minor children in South Carolina, while the Father was employed and residing in the District of Columbia. The action was filed by the Father for a divorce and for custody of the minor children alleging abuse and neglect. The case was significant in that the Father was seeking to have the Family Court remove the minor children from the admitted primary custodial parent and allow them to be relocated to another jurisdiction. The case required extensive investigation, work with school officials, law enforcement, counselors and testimony at the multi-day trial of the issues before the Family Court. Based on the investigation and testimony provided to the Court, the Judge determined the best interest of the children were best served by awarding custody to the Father and allowing for the relocation of all three (3) minor children out of the State of South Carolina.

- (c) Evans v. Moses (2010, Beaufort County Family Court)
I was retained to represent the interest of the Mother of two (2) minor children who had been previously divorced in the State of Louisiana, and wherein the Father had been named the primary domiciliary parent, subject to my client's visitation rights. Several years later the parties orally agreed to amend the original determination and the minor children began living with her on a full-time basis in South Carolina where the Mother had relocated. Once the Mother had inquired of the Father regarding the formalization of the custody arrangement the parties became entangled in a custody battle where each demanded the minor children reside with them in South Carolina or Louisiana respectively. The case was significant in that simultaneously with my filing of an action with the South Carolina Family Court to confirm the parties' custody arrangement, the Father filed an action in the Louisiana Family Court to enforce the previously issued (original) Order of custody and visitation. The case required extensive research and utilization of the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) to initially successfully

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litigate and secure jurisdiction, and then the eventual negotiation with Louisiana counsel to mediate a mutually acceptable settlement agreement and dismissal of the Louisiana action.

- (d) Johnathon Lilly v. Home Depot USA (2009, United States District Court, District of South Carolina)

I served as lead counsel in this personal injury action that was originally filed in the South Carolina Court of Common Pleas seeking damages for injuries sustained by a firm client while conducting business within a local Home Depot store. Home Depot quickly moved to have the case transferred to federal court and the case was litigated and tried in that forum. The case was significant in that it required a high level of technical development through medical forensics and treatment documentation to establish the accident, resulting injury and the ultimate amortization of damages. The case was further complicated by a countervailing allegation of drug use and illicit criminal activity. In addition, the case was presented to a federal jury and included the development of a claim for the client's spouse for a loss of consortium. This claim was attacked by the Defendant with an assault on the basis of the validity of the common law marriage which required extensive research and litigation over the application of South Carolina legal authority within the trial of the overall personal injury case.

- (e) State of South Carolina v. Johnny Philipp Sweat (2001, South Carolina Court of General Sessions)

I served as the assigned Solicitor for the prosecution of this case on behalf of the state. The Defendant was charged with a number of crimes for home invasion involving his estranged family and independent victims. The case was complicated by the fact that the estranged wife of the Defendant was terrified to testify against him and had her own criminal background to contend with once confronted with cross examination on the stand. Likewise, the independent witness/victims in the home during the crime had a criminal history that the defense called into question in attempting to impugn their credibility on the witness stand. The case was significant in that the Defendant and his estranged wife's three (3)

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minor children were also in the home during the invasion and resulting assault. The state had to establish a basis for the minor children's testimony, extensively prepare them for the actual live testimony and navigate the presentation of the evidence to the jury in front of the Defendant/Father. The jury ultimately returned a guilty verdict and the Defendant was sentenced to twenty (20) years in the state department of corrections for Assault and Battery with Intent to Kill, two (2) counts of Assault and Battery of a High and Aggravated Nature, and Burglary First Degree.

The following is Judge Novak's account of two civil appeals he has personally handled:

- (a) Brown v. Stewart, South Carolina Court of Appeals, November 19, 2001
- (b) Brown v. Stewart, 348 S.C. 557, 557 S.E.2d 676 (S.C. App. 2001)

Judge Novak reported that he has not personally handled any criminal appeals.

Judge Novak reported that he has held the following judicial office(s):

- (a) Beaufort County Magistrate (part-time), 7/2/12-present
- (b) Appointed by the Governor / Advice and consent of the South Carolina Senate
- (c) Criminal: Up to \$500.00, and/or up to thirty (30) days in jail
Civil: Up to \$7,500.00 in controversy
- (d) Beaufort County Associate Chief Magistrate, 6/25/18-present
- (e) Appointed by Chief Justice Donald W. Beatty, South Carolina Supreme Court

Judge Novak reported the following regarding his employment while serving as a judge:

- (a) Private practice of law while serving as a part-time Magistrate.

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(9) Judicial Temperament:

The Commission believes that Judge Novak's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Judge Novak to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability. The report also stated, "Very well qualified, very personable, projects well, caring, energetic, PLUS experience as a judge--super candidate."

Judge Novak is married to Erin K. O'Donnell. He has one child.

Judge Novak reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Beaufort County Bar Association
- (c) Hilton Head Island Bar Association

Judge Novak provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Southern Beaufort County Corridor Beautification Committee, Chairman
 - (b) Port Royal Historic Review Commission
 - (c) St. Gregory the Great Pastoral Council
 - (d) St. Vincent's Academy Grounds Beautification Commission
 - (e) The Gamecock Club
 - (f) RBC Heritage Golf Tournament, Practice Are Marshall, Co-Chairman
 - (g) South Carolina Bar, Fourteenth Circuit, Pro-Bono Board
 - (h) South Carolina Bar, Mock Trial Competition, Judge
 - (i) South Carolina Bar, Beaufort County, Fee Arbitration Board
- (a) The Order of the Palmetto
 - (b) Eagle Scout, Boy Scouts of America
 - (c) Certified Family Court Mediator

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- (d) Finalist for “Best Law Firm” (The Sun Today, 2019)
- (e) Bluffton’s “Best Attorney” (Bluffton Today, 2012), nominee 2012-present
- (f) Beaufort’s “Favorite Attorney” (The Island News, 2010)

Judge Novak further reported:

I am a firm believer that every individual is a creature of his or her own experiences. In that respect, I think both the breadth and depth of my personal and professional experience will provide me with the necessary tools to effectively serve our state on the Family Court Bench. My career to date has included a great deal of direct experience in the Family Courts of this state from the defense and prosecution of juvenile adjudications, to the more traditional representation of adult clients in divorce, division of property and custody actions. For the past many years, I have also had the opportunity to serve as a guardian ad litem on a regular basis, and to mediate hundreds of cases within the Family Court system. I firmly believe all of these experiences will provide an excellent foundation for the rigors and technical experience required of the Family Court Bench.

At the same time, I have had the opportunity to serve at the highest levels of state government, practiced law in both the firm and solo settings, and have been presiding over criminal and civil cases in the Beaufort County Magistrate Court for the past seven (7) years. On the personal side, I have been married for twenty-four (24) years and have a twenty-one (21) year old daughter who has just graduated Magna Cum Laude with Leadership Distinction from the University of South Carolina. I believe all of this ‘experience’, both professional and personal, ground me as a person, guide me as an Attorney, and will continue to inspire me as a Judge.

(11) Commission Members’ Comments:

The Commission commented that Judge Novak is well regarded among his peers, especially in his capacity as a magistrate judge, and is a very active mediator in the area of family law. They noted that his experience and his demeanor would serve him well should he be elected to the bench.

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(12) Conclusion:

The Commission found Judge Novak qualified, and nominated him for election to Family Court, Fourteenth Judicial Circuit, Seat 2.

**The Honorable Ronald R. Norton
Family Court, Fifteenth Judicial Circuit, Seat 3**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Norton meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Norton was born in 1952. He is 67 years old and a resident of Murrells Inlet, South Carolina. Judge Norton provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1977.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Norton.

Judge Norton demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Norton reported that he has not made any campaign expenditures.

Judge Norton testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

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Judge Norton testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Norton to be intelligent and knowledgeable.

Judge Norton reported that he has taught the following law-related courses:

- (a) Lectured at the annual Horry County Bar Association Seminar on family court rules and the rules of civil procedure which are applicable to the family court. 2008 to the present.
- (b) New Family Court Judges Orientation School - I spoke to the newly elected judges on the experiences of a first year judge. April, 2009.
- (c) New Family Court Judges Orientation School - I spoke to the newly elected judges on substantive and procedural issues in 2018 and served as chairman elect. I serve as chairman of the three day orientation in 2019. I plan to continue to serve as chairman of the New Family Court Judges Orientation School.
- (d) South Carolina Association for Justice - I lectured at the Family Court seminar on how to practice in family court. August, 2009.
- (e) Family Court Bench Bar Seminar - I lectured on procedures for mediating cases. December, 2011.
- (f) Judicial Observation and Experience Program - I have law students sit with me for two weeks each summer to observe family court cases.
- (g) I taught paralegal classes on family law at Horry Georgetown Technical College prior to being elected to the Family Court bench.

Judge Norton reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Norton did not reveal evidence of any founded grievances or criminal allegations made against him.

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The Commission's investigation of Judge Norton did not indicate any evidence of a troubled financial status. Judge Norton has handled his financial affairs responsibly.

The Commission also noted that Judge Norton was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Norton reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.

Judge Norton reported that he has not served in the military.

Judge Norton reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Norton appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Norton appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Norton was admitted to the South Carolina Bar in 1977.

He gave the following account of his legal experience since graduation from law school:

- (a) Upon graduating from law school in 1977, I began my legal career with the law firm of Harvey, Battey, Macloskie & Bethea, P.A. I was employed at their satellite office located on Hilton Head Island. Their main location was Beaufort, South Carolina. The practice was a general practice with the Hilton Head Island office concentrating on real estate transactions as well as contract and construction litigation. As an associate, I assisted the partners in these areas. Approximately one year after becoming employed with this firm, the offices split with the Hilton Head Island office becoming the law firm of Bethea, Jordan & Griffin, P.A. This firm continued to focus

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and concentrate on legal matters as mentioned above. I became a partner in the firm in 1983 with my practice focusing primarily in contract and construction litigation. I began developing a family law practice at this time.

- (b) In 1985 I relocated to Garden City, South Carolina and formed a partnership with Robert J. Barber. The firm was known as Barber and Norton, P.A. Mr. Barber handled real estate transactions for the firm and I handled litigation.
- (c) In 1986 I joined the firm of Cross, Singleton & Burroughs, P.A. in Conway, South Carolina. The firm became known as Cross, Singleton, Burroughs & Norton, P.A. Here I continued to deal with real estate issues but also focused on civil litigation and began to direct my focus primarily on family law.
- (d) In 1994 I joined the firm to be known as Walker, Brehn & Norton, P.A. where I was a partner. In this office I dealt primarily with family court matters although I assisted the other partners in real estate and civil litigation.
- (e) In 1997 I decided to leave the firm and become a sole practitioner. The law firm was known as The Law Firm of Ronald R. Norton, LLC. My office concentrated on family law issues with approximately 80% of the practice directed to that area. The firm did not engage in the practice of criminal law other than representing juveniles. In 2005 I took a position as a part-time assistant prosecutor with the city of Myrtle Beach. This was in addition to maintaining my law practice. As a part-time prosecutor I prosecuted traffic and misdemeanor cases.
- (f) In 2008 I was elected to the Family Court and have been serving as a Family Court Judge since.

Judge Norton provided that during the past five years prior to his service on the bench he most often served as sole counsel.

Judge Norton reported that he has held the following judicial office(s): In 2008 I was elected to the Family Court, Fifteenth Judicial Circuit, Seat 3. I have been serving from 2008 to the present.

Judge Norton provided the following list of his most significant orders or opinions:

- (a) Brown vs. Baby Girl Harper, 410 S.C. 446, 766 S.E.2nd 375 (2014). This was an adoption case. The South Carolina

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Supreme Court affirmed holding substantial compliance statute requiring birth mother's consent to adoption could not cure failure to comply with the execution requirements, and transfer of custody from adoptive mother to birth mother was in the child's best interest.

- (b) Leverne Bazen and Pansy Bazen vs. Tammie Bazen, 2016-DR-26-1925, Case is on appeal to the South Carolina Supreme Court 2018 – 000337. Paternal grandparents were granted visitation with grandchildren. The biological father was deceased. Mother filed an appeal objecting to the granting of grandparent visitation.
- (c) Vieux vs. Vieux, 2012-UP-425, (Ct.App.2012), 2012 WL 10862436. The Court of Appeals affirmed the family court's order declining to hold the defendant in willful contempt.
- (d) Gordon vs. Gordon, 2017-UP-276, (Ct.App.2017), Appellate Case No. 2015-002222, 2017 WL 4786431. The Court of Appeals affirmed the family court's equitable division of the marital estate.
- (e) Militano-Catanzaro vs. Catanzaro, 2016-UP-018, (Ct.App.2016), Appellate Case No. 2011-197967, 2016 WL 245058. The Court of Appeals affirmed the family court's ruling that the plaintiff was not entitled to alimony, attorney's fees and guardian ad litem fees and was not entitled to a change in the method of the child support award.

Judge Norton has reported no other employment while serving as a judge.

Judge Norton further reported the following regarding unsuccessful candidacies:

Prior to being elected to the Family Court, I offered as a candidate for the Board of Trustees for Coastal Carolina University. I withdrew my candidacy when it became obvious I could not receive enough votes to be elected.

(9) Judicial Temperament:

The Commission believes that Judge Norton's temperament has been, and would continue to be, excellent.

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(10) Miscellaneous:

The Pee Dee Citizens Committee on Judicial Qualifications found Judge Norton to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional, and academic ability, character, reputation, experience, and judicial temperament. The Committee stated in summary, “Judge Norton has the reputation of a hard-working, kind, good-hearted judge who loves his job.”

Judge Norton is married to Sarah Lane Dowling Norton. He has two children.

Judge Norton reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association - 1977 to present
- (b) Horry County Bar Association - 1985 to present
- (c) Coastal Inn of Court - Master

Judge Norton provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
Coastal Inn of Court - Master

Judge Norton further reported:

I am honored to have been appointed to serve on the committees listed below. It is humbling to know those who have placed me in the position of being a member and chairman believe I have the ability to serve. I will work hard to gain and maintain their trust.

- (a) Chairman South Carolina Family Court Advisory Committee
- (b) Chairman South Carolina Family Court New Judges Orientation School
- (c) Chairman South Carolina Family Court Bench Bar Committee
- (d) Co-chairperson Supreme Court Docket Management Committee, Family Court
- (e) Past President, South Carolina Conference of Family Court Judges
- (f) Member Alternate Dispute Resolution Committee
- (g) Member - Coastal Inn of Court - Master

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It is an honor to serve as a Family Court Judge. I have always tried to be fair, honest, professional and compassionate. I appreciate the difficulties facing those appearing before me. I am committed to the position and will continue to work hard.

(11) Commission Members' Comments:

The Commission commented that Judge Norton enjoys a great reputation among parties and attorneys who regularly appear in front of him. They commended him on his temperament and work ethic, which have ably served him in discharging his responsibilities on the Family Court bench.

(12) Conclusion:

The Commission found Judge Norton qualified, and nominated him for re-election to Family Court, Fifteenth Judicial Circuit, Seat 3.

**Kimaka (Kim) Nichols-Graham
Family Court, At-Large, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Nichols-Graham meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Nichols-Graham was born in 1972. She is 47 years old and a resident of Greenville, South Carolina. Ms. Nichols-Graham provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Nichols-Graham.

Ms. Nichols-Graham demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte

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communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Nichols-Graham reported that she has not made any campaign expenditures.

Ms. Nichols-Graham testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Nichols-Graham testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Nichols-Graham to be intelligent and knowledgeable.

Ms. Nichols-Graham reported that she has taught the following law-related courses:

- (a) I presented a session on representing low income students and parents in school law to legal services agencies for South Carolina Appleseed Legal Justice Center on October 11, 2001.
- (b) I presented a session on representing low income families in school law at the South Eastern Project Directors Association for directors of legal service agencies on July 15, 2002.
- (c) I presented a session on monitoring re-segregation and protecting the poor for legal service lawyers at the National Legal Aid and Public Defender Substantive Law Conference on July 25, 2002.
- (d) I presented a session on the overview of a school law practice to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on August 12, 2004.

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- (e) I presented a session on DSS Court Appointments and Defense Pointers to lawyers at the South Carolina Black Lawyers Association Retreat on October 22, 2004.
- (f) I presented a session on parent rights in school discipline procedures to legal services and pro bono attorneys for South Carolina Appleseed Legal Justice Center on February 24, 2006.
- (g) I presented a session on school discipline and special education discipline to lawyers in the Nelson Mullins Riley & Scarborough Education Pro Bono Project Training on August 10, 2006.
- (h) I presented a session on students still having due process rights to school administrators, professors, and attorneys at the Education Law Association's Annual Conference on October 22, 2009.
- (i) I have presented several sessions to attorneys and staff on education law at SC Legal Services' Statewide Meetings and in-house education task force meetings.
- (j) I presented a session on working with students experiencing bullying to attorneys at the South Carolina Appleseed Legal Justice Center's Education Law Training on March 9, 2012.
- (k) I presented a session called balancing the scales of justice on representing students in education law cases for the South Carolina Bar on August 8, 2014
- (l) I presented a session called expulsion case pointers to provide practice tips for South Carolina Appleseed Legal Justice Center in October of 2014.
- (m) I presented a session on school discipline law at the South Carolina Bar Convention on January 24, 2015.
- (n) I presented a legal education session on adding school law to your private law practice at the South Carolina Black Lawyers Association Conference on September 18, 2015.
- (o) I presented a session on education law updates and developments at the South Carolina Legal Services Conference on November 19, 2015.
- (p) I presented a session to the juvenile public defenders in South Carolina on the school to prison pipeline at the South Carolina Public Defender Association on November 23, 2015.

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- (q) I presented a session on forming partnerships to achieve equal educational opportunities for the South Carolina Appleseed Legal Justice Center on January 15, 2016.
- (r) I presented a session at the South Carolina Bar Convention on the rights of single fathers in adoption cases on January 23, 2016.
- (s) I presented a session on victim's rights in education at the Victim's Rights Conference on April 20, 2016.
- (t) I co-presented a session on practical legal issues at the School to Prison Pipeline: Children with Disabilities seminar on June 24, 2016.
- (u) I co-presented a session on how legal services can partner with public schools at the SC School Board Association's Summer Conference on August 20, 2017 in Myrtle Beach, South Carolina.
- (v) I presented a session on children with special needs in family court at the Greenville Bar Annual CLE in February 2018.
- (w) I presented a lecture on special education law and section 504 accommodation plans to school based mental health workers to increase school safety in Sumter on May 11, 2018.
- (x) I presented a course on family and school law to guidance counselors for the USC School of Law Children's Law Office in Columbia, SC on June 11, 2018.
- (aa) I presented a session at the SC BAR Convention on January 19, 2019 on school safety as it relates to the Dangers and Disruptions: Critical Issues Facing South Carolina Youth.
- (bb) I have presented several law related courses on divorce to self-represented litigants in Greenville, Pickens, Anderson, and Oconee counties, the last of which was presented on July 13, 2019 in Oconee County.

Ms Nichols-Graham states that she completed this list to the best of her ability and has provided numerous law related education courses to the public and for in-house legal education training sessions.

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(4) Character:

The Commission's investigation of Ms. Nichols-Graham did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Nichols-Graham did not indicate any evidence of a troubled financial status. Ms. Nichols-Graham has handled her financial affairs responsibly.

The Commission also noted that Ms. Nichols-Graham was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Nichols-Graham reported that she is not rated by any legal rating organization.

Ms. Nichols-Graham reported that she has not served in the military.

Ms. Nichols-Graham reported that she has never held public office.

(6) Physical Health:

Ms. Nichols-Graham appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Nichols-Graham appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Nichols-Graham was admitted to the South Carolina Bar in 1998.

She gave the following account of her legal experience since graduation from law school:

The Legal Services Agency of Western Carolina was a regional legal services agency that merged with other regional providers of civil legal services for low income families in South Carolina to create a statewide law firm named The South Carolina Centers

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for Equal Justices Legal Services on December 31, 2001. Years later the corporate name changed to South Carolina Legal Services. I was hired by the Legal Services Agency of Western Carolina on November 16, 1998 and it had three offices in Greenville, Anderson, and Greenwood with less than ten attorneys. I am currently employed by South Carolina Legal Services, a statewide law firm with nine offices across the state with at least fifty attorneys.

Legal Services Agency of Western Carolina, Inc. (LSAWC).
Greenville, South Carolina.

- (a) Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. My caseload was ninety percent family law. The office served Greenville and Pickens Counties. November 1998 to September 1999.
- (b) Children's Law Attorney. I practiced law for low income families but tried to focus primarily on adoptions, termination of parental rights, children's social security cases and on developing a practice in special education advocacy and school discipline cases. During this time, my case load was primarily divorce, custody, child support, and other cases that involved disputes or legal issues pertaining to children. LSAWC had offices located in Greenville, Anderson, and Greenwood serving clients in Greenville, Pickens, Anderson, Oconee, Greenwood, Edgefield, and McCormick Counties. I monitored the adoption and termination of adoptions files that attorneys were working on in each of these offices, created a step by step guide for how to do these cases without missing procedural or substantial steps in the process, shared sample pleadings, and provided reports to the Executive Director on the cost and status of every open adoption and termination of parental rights case at LSAWC. September 1999 until December 31, 2001.

South Carolina Legal Services. Greenville, South Carolina.

- (a) Staff Attorney II. I provided civil legal services to low income individuals and families through direct client representation and by providing community education

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seminars. I primarily practiced family law in Greenville and Pickens Counties until the Anderson Office closed. My cases included divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. I appeared before school boards, in Magistrate's Court, in Family Court, the Court of Common Pleas, Court of Appeals, and in the U. S. Bankruptcy Court. I served as a staff attorney except for brief periods of time when I was the Acting Managing Attorney until I was promoted to the Managing Attorney position. Permanent Full Time Position. January 1, 2002 to April 2013.

- i. Forms and Standardization Committee. 2000-2001, 2005-2006.

Appointed by the Executive Director of a regional legal services program to travel to Columbia and meet with attorneys from other legal service programs in South Carolina to develop standard forms that could be used shortly after we began centralized intake. Continued to serve on this committee when it resumed operations after the regional legal services programs merged. The result is the comprehensive standardization book with intake questionnaires, letters, and administrative forms.

- ii. Employee Evaluation Committee. 2005.

Appointed by the Executive Director to serve on a committee for the Director of Human Resources to create employee evaluations. Traveled to Columbia to meet with staff members from across the state to determine which positions needed an evaluation and developed the core performance evaluation that South Carolina Legal Services still uses.

- iii. New Attorney Training Protocol Committee. 2007.

Appointed by the Executive Director to a committee to develop a protocol for new attorneys to provide support and retain attorneys hired during their first year of

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practice. Served as a staff attorney with considerable experience. Traveled to Columbia for the committee meetings to develop the protocol.

- (b) Education Unit Head. Leads the education unit, seeks local funding when possible, trains legal service attorneys across the state in representing students in the public education system, teaches parents how to advocate for children, responds to requests for training from community groups, and operated the Greenville County United Way's Securing Public-School Opportunities Program. Education cases included special education, school discipline, 504 accommodation plans, school enrollment, and homeless student education cases throughout South Carolina providing representation before local hearing officers, School Boards, the South Carolina Department of Education, the United States Department of Education, the Court of Common Pleas, and the South Carolina Court of Appeals. This is an additional leadership position. March 2003 to present.
- (c) Acting Managing Attorney. Supervised six attorneys, two paralegals, and three support staff. Assigned cases, supervised legal work, handled personnel issues, and participated on management team while the Managing Attorney was on extended leave. I assisted in setting up and staffing a satellite office in Anderson. Included supervising petty cash and trust accounts and monthly account reconciliations. September 24, 2007 through December 31, 2007.
- (d) Acting Managing Attorney. Supervised five full time attorneys, three contract attorneys, one volunteer attorney, three support staff employees, and a satellite office. Reviewed emergency intakes, assigned cases, supervised legal work, handled personnel issues, and provided other managerial duties while the Managing Attorney was on extended leave. Included supervising petty cash and trust accounts and monthly account reconciliations. August 26, 2009 through November 24, 2009.
- (e) Managing Attorney (Greenville). Responsible for the provision of civil legal services in Anderson, Greenville,

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Pickens, and Oconee counties, the quality of legal services provided, and maintaining connections with the community and private bar. Ensures the efficient operation of the Greenville Office and maintains a caseload. Reviews applications for legal services. Assigns cases and provides case load management. Provides employee evaluations for support staff and attorneys. Provides human resource management and addresses grievances. Provides guidance and training. Manages client trust and petty cash accounts. Assures compliance with grants, policies, and procedures. Maintains a case load in the service area. Participates in grant writing. Includes supervising petty cash and trust accounts and monthly account reconciliations. Temporary position April 1, 2013 until May 31, 2013. Permanent Position from June 1, 2013 to present.

- (f) Managing Attorney for the Low-Income Taxpayer Clinic. Supervise and manage the Clinic Director, paralegal, and attorneys that assist with tax cases for South Carolina Legal Services in all counties. Provides case load management, monitors the quality of legal services provided, facilitates assigning cases, denies applicants, provides human resource management, and reviews grant applications and reports. January 2015 to present.

Ms. Nichols-Graham reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: Less 1%. Occasional to cover a hearing in bankruptcy court
- (b) State: 99%. There were significant variances. Sometimes I appeared as much as twice a week not including appearances before administrative agencies

Ms. Nichols-Graham reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 47%
- (b) Criminal: 0%
- (c) Domestic: 53%
- (d) Other: 0%

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Ms. Nichols-Graham reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 9%
- (b) Non-jury: 100%

Ms. Nichols-Graham provided that during the past five years she most often served as sole counsel.

The following is Ms. Nichols-Graham's account of her five most significant litigated matters:

- (a) (Sealed File). John Row, et al. vs. John Doe, et al., This case was significant because a single father registered on the responsible father registry before his child was placed with an out of state couple for adoption. We reviewed adoption practices and were able to prevail by using the due process provisions already codified but often overlooked in practice. The litigation strategy was shared at a few legal education trainings. ABC Nightline News also aired a follow up story with the single father regarding the responsible father registry while protecting the identity of the Plaintiffs.
- (b) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. Case Number: 2006-CP-40-6545. This case is significant to the practice of education law in South Carolina because it is the first appellate case with a ruling on the issue of substantial evidence. This case was significant to me because I represented a student that was expelled from school and accused of committing sexual offenses without any evidence. The parent unsuccessfully appealed to the board after simply stating persuasive legal grounds, but she needed legal services to appeal to the court system. We prevailed in circuit court, but the school district appealed the decision to the court of appeals. This case is evidence that things do not always work themselves out and there are times that the indigent need civil legal services to secure basic opportunities. The student prevailed on appeal to the Court of Appeals. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.

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- (c) Darla Yates vs. Eddie Crooks. Case Number: 2005-DR-39-418. This case was significant because I represented a client in a visitation Rule to Show Cause that resulted in a trial. There was an allegation of a history of abuse in a prior case that prevented my client from being able to represent herself.
- (d) Martha Sue Payne vs. Mary Patterson. Case Number: 2006-DR-23-4112. This case was significant to me because I was unsuccessful in appealing a visitation contempt case after representing the client in a contested trial to the SC Court of Appeals. The visitation contempt and appeal cases were after I represented the same third party in a contested DSS abuse and neglect case, and a contested change of custody case that was resolved after a contested trial. It is important for people to have access to the legal system, but the legal system should not be involved in every dispute.
- (e) Jane Doe vs. John Doe. Case Number: 2019-DR-04-262. This case was significant because with very little notice I was able to represent a person that filed for protection without legal representation. The hearing was a trial that involved testimony from three witnesses, proffering evidence, and closing statements. There was one issue related to the rights of a minor child, so I did not use the names to provide some privacy from internet word searches.

The following is Ms. Nichols-Graham's account of two civil appeals she has personally handled:

- (a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. South Carolina Court of Appeals. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.
- (b) Unpublished Opinion. Martha Sue Payne vs. Mary Patterson. South Carolina Court of Appeals. Decided April 26, 2010.

Ms. Nichols-Graham reported she has not personally handled any criminal appeals.

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Ms. Nichols-Graham further reported the following regarding unsuccessful candidacies:

I applied for Family Court Judge, At Large, Seat 4, in Fall 2012. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 5, in Fall 2013. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 3 in Spring 2016. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, At Large, Seat 7, in Fall 2016. I was found qualified, but I did not receive a nomination.

I applied for Family Court Judge, Thirteenth Judicial Circuit, Seat 6 in Fall 2018. I was found qualified and nominated. I lost the election by a vote of 88 to 75.

(9) Judicial Temperament:

The Commission believes that Ms. Nichols-Graham's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Ms. Nichols-Graham to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also noted, "The committee has rated this candidate 'well qualified' in the past and continues to believe she is 'well qualified.'"

Ms. Nichols-Graham is married to Hakim R. Graham. She has one child.

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Ms. Nichols-Graham reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar, Young Lawyers Division, Executive Council 2002-2003.
- (b) South Carolina Bar, Children's Law Committee
- (c) South Carolina Supreme Court CLE & Specialization Commissioner, June 2003-July 2009.
- (d) Council of Parent Attorneys and Advocates
- (e) South Carolina Black Lawyers Association. Assistant Secretary. 2013-2017. Secretary 2018 to present.
- (f) Greenville County Bar Association
- (g) Donald James Sampson Bar Association.
- (h) South Carolina Bar, Education Law Committee, Chair Public Information Sub-Committee, 2014-2015.
- (i) South Carolina Children's Justice Act Task Force.
- (j) South Carolina Supreme Court Family Court Docket Committee

Ms. Nichols-Graham provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) The Ellen Hines Smith Legal Services Attorney of the Year 2015. Awarded by the Access to Justice Commission and the South Carolina Supreme Court.
- (b) Young Lawyer of the Year Award. Awarded by the South Carolina Bar. 2001-2002.
- (c) The School District of Greenville County Salute for Teaching Above and Beyond the Call of Duty at the Center for Educational Equity's Saturday Success School. 2000-2001, 2004-2005
- (d) Center for Educational Equity, Advisory Board of Directors (2001 to present) Parent Reconnect Program Coordinator (2001 to 2008).
- (e) Protection and Advocacy for People with Disabilities, Board of Directors, Grievance Committee (2008-2011), Chair of the Personnel Committee (2011-2013).
- (f) United Way of Greenville County. Graduate Greenville Student Enrichment Committee. (2006-2007).
- (g) Bethlehem Baptist Church. Summer Bible Institute Instructor. June 2011.

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- (h) Delta Sigma Theta Sorority Incorporated. Greenville (SC) Alumnae Chapter. Co-Chair of Social Action Committee 2016-2017, 2017-2018.
- (i) Springfield Baptist Church. Unsung Heroine Award. March 24, 2013.
- (j) Pro Parents of South Carolina. Board of Directors, 2013-2016. Secretary, 2014-2016
- (k) The Riley Institute Diversity Leadership. Furman University. Fall 2015. Upstate Class XX.
- (l) Greenville Branch of the NAACP. 2017-2018.

Ms. Nichols-Graham further reported:

I am a member of the South Carolina Supreme Court Family Court Docket Committee. Serving on that committee allows me to receive information and provide input on many issues that affect the efficient operation of family court dockets across the state, issues regarding the legal profession and other professions involved in family court cases, and provide feedback regarding how decisions the committee makes could impact members of the public struggling to access the court system or struggling to participate in the administration of justice in the court system.

I also serve on the South Carolina Children's Justice Act Task Force for the University of South Carolina, School of Law's Children Law Center. Serving on this task force allows me to study policies and assist with designing programs relating to the SC Department of Social Services (DSS) Child Protection Services (CPS) Division in an effort "to improve the handling of child abuse and neglect cases, the handling of suspected maltreatment related fatalities, and the investigation and prosecution of child abuse and neglect." I worked on the disability subcommittee to assist with strengthening procedures regarding children with special needs. I worked on a sub-committee that assisted with updating mandated reporter training to provide an awareness for mandated reporters regarding issues impacting children with disabilities and special needs. Currently I serve on a sub-committee working to assist children by reviewing the procedures related to teams organized by child advocacy centers to assist with investigations of allegations of abuse and neglect and the investigation of fatalities involving minor children. The director of DSS

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periodically provides updates to the task force and answers questions.

I have always had an interest in and curiosity for family and school law. Family relationships and educational experiences play an important role in everyone's development. My formal education was driven by a curiosity and desire to learn more about these relationships and to help others with these relationships and experiences. Like justice, I blindly pursued a legal career to help and to serve the public. Values like sound character, integrity, honesty, fairness, respect, and a dedication to public service are characteristics of many of my family members. As a child, my family attended Nazarene Baptist Church in Mullins, South Carolina and everyone in my family was actively involved in our church. I quickly learned the difference between good and evil and right and wrong. I just happen to be the only lawyer in my family. I am certain that I had the temperament, morals and character that we expect of judges before I went to college.

Ironically, while I was in college, I volunteered for the local battered women's shelter on the domestic violence hotline and to helping with Order of Protection packets. This experience gave me insight into part of the pro se process in family court. At the time, I did not know who those experiences would connect with my career.

A family court courtroom was the first courtroom I observed and the first court I appeared in as an attorney licensed to practice law. Judge Timothy Pogue allowed me to volunteer in his law firm because I wanted to go to law school but had not met a practicing lawyer. I had a friend in law school whose father went to law school, but he was running an agency when we met. Judge Pogue had the juvenile defender contract, he was the Marion County DSS attorney, and he had a private practice, so I learned a lot about family court before I went to law school. While in law school I clerked for about six months at the Richland County Guardian ad Litem office, so I learned a lot about the role of a Guardian in abuse and neglect and termination of parental rights cases, assisted with guardian ad litem reports, and had the opportunity to observe many hearings and trials. Then I was fortunate to be in Jim Stuckey's family law class while I was

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interning for Dale Stuckey at the SC Department of Education. The Martial Litigation manual is the most comprehensive law book for family lawyers in South Carolina and the material for his class was a draft or an outline of that book which he published shortly thereafter. Then, I secured a position at Legal Services of Western Carolina. At that time, most of our case load was family law, and I found myself in family court multiple times a week representing clients on either side of any kind of issue before the court for many years. The first day I walked into a courtroom to represent a client as a member of the Bar, I was in a family court courtroom in a DSS vulnerable adult case before Judge Robert Jenkins.

I have represented many individuals in family court matters. I have also had the privilege of consulting with many legal service attorneys in numerous cases, court appearances, and appellate work. At this point in my career, I work primarily with access to justice issues as a Managing Attorney weighing when limited resources can be used and measuring the quality of legal services provided to each client.

I believe my personal and professional experiences will continue to serve the public well if I am a successful candidate for Family Court.

At this time, I respectfully request your vote for a nomination to run for Family Court Judge, Thirteenth Judicial Circuit, Seat 6. I went to law school to help people. I did not go to law school to be a judge. I have helped thousands of people over the span of almost two decades of practicing law, and I have always been an active and productive member of the SC Bar. I have also assisted in developing the practice of education law in South Carolina. I believe that I can help many more families if I can serve as a family court judge.

(11) Commission Members' Comments:

The Commission determined that Ms. Nichols-Graham was an impressive candidate with notable experience in family law.

(12) Conclusion:

The Commission found Ms. Nichols-Graham qualified, and nominated her for election to Family Court, At-Large, Seat 1.

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**Martha M. Rivers Davisson
Family Court, At-Large, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Rivers Davisson meets the qualifications prescribed by law for judicial service as a Family Court Judge.

Ms. Rivers Davisson was born in 1972. She is 48 years old and a resident of Aiken, South Carolina. Ms. Rivers Davisson provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1996.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Rivers Davisson.

Ms. Rivers Davisson demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Rivers Davisson reported that she has not made any campaign expenditures.

Ms. Rivers Davisson testified that she has not:

- (a) Sought or received the pledge of any legislator prior to screening;
- (b) Sought or been offered a conditional pledge of support by a legislator;
- (c) Asked third persons to contact members of the General Assembly prior to screening.

Ms. Rivers Davisson testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Rivers Davisson to be intelligent and knowledgeable.

Ms. Rivers Davisson reported that she has taught the following law-related course:

In April 2019, I presented the Law School for Non-Lawyers class sponsored by the South Carolina Bar in Aiken, South Carolina on the topic of Child Protection Hearings. This series of lectures is designed to provide an overview of the judicial system and its impact on citizens.

Ms. Rivers Davisson reported that she has published the following books and/or articles:

“The Leaner and Meaner Youthful Offender Act,” South Carolina Lawyer, Volume 9, Number 3, November/December 1997.

(4) Character:

The Commission’s investigation of Ms. Rivers Davisson did not reveal evidence of any founded grievances of criminal allegations made against her.

The Commission’s investigation of Ms. Rivers Davisson did not indicate any evidence of a troubled financial status. Ms. Rivers Davisson has handled her financial affairs responsibly.

The Commission also noted that Ms. Rivers Davisson was punctual and attentive in her dealings with the Commission, and the Commission’s investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Rivers Davisson reported that she is rated by the following legal rating organization:

Distinguished, Martindale-Hubbell 4.4/5.0

Ms. Rivers Davisson reported that she has not served in the military.

Ms. Rivers Davisson reported that she has never held public office.

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- (6) Physical Health:
Ms. Rivers Davisson appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Ms. Rivers Davisson appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Rivers Davisson was admitted to the South Carolina Bar in 1996.

She gave the following account of her legal experiences since graduation from law school:

After graduation from the USC School of Law in 1996, I clerked for one year for the Honorable Thomas L. Hughston, Jr. of the Eighth Judicial Circuit. I then became an associate attorney at Bedingfield & Williams in Barnwell, SC. From 1997 to 2000, I assisted the partners, Daniel W. Williams and Walter Bedingfield, in the general practice of law. I developed my own caseload of predominantly domestic cases. I also learned the procedures for real estate closings and litigated criminal cases with Mr. Bedingfield. I developed a civil litigation caseload as well. From my initial days as a litigating attorney, I handled divorces involving equitable division, alimony, child support and custody issues. I was assigned a paralegal but had no management duties for the firm or its finances.

In 1999, my husband entered what was then known as the Masters in International Business (MIB) program at the Darla Moore School of Business at USC. In August 2000, I left Bedingfield & Williams to live with Doug in Zurich, Switzerland, during a portion of his required international internship. We returned in December 2000. I then began my practice as a sole practitioner in January 2001 in Williston, South Carolina. My practice developed much like my associate work. As a sole practitioner, I established and managed the trust accounts and operating accounts. I hired a part time assistant to help with the financial management. Until this year, we managed two trust accounts and an operating account. One trust account was strictly for real estate transactions, an area I

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no longer practice. In 2018, my solo practice was converted to a limited liability corporation, Rivers Law LLC.

My office has consistently had staff of one to three persons. I am the administrative manager as well as the financial manager.

In 2018, I ended my real estate practice and now focus on criminal defense, Family Court, and civil litigation. I have been a 608 (appointed defense attorney) in criminal and Family Court abuse and neglect cases for several years. I continue to serve as a guardian ad litem in private cases. I have also volunteered as a guardian ad litem in abuse and neglect cases involving DSS.

Ms. Rivers Davisson further reported regarding her experience with the Family Court practice area:

I have practiced family law for twenty-two years. In that time, I have appeared as counsel in all of the practice areas mentioned above. I have handled multiple divorces involving equitable division of property, contested child custody and visitation issues. As the sole practitioner, I am the attorney for these cases. My case experience ranges from a division of cast iron pans for a family with no real property to division of significant assets saved over a twenty-year marriage. I have been involved in a myriad of custody and visitation issues as a practitioner and as a guardian ad litem.

I have represented adoptive parents on several occasions. The cases have been DSS related and non-DSS related. Early in my career, I handled the adoption for a couple and the adoptive mother later came to work with me. It was a pleasure to know how I had assisted that family and to watch the child, who was an infant on that day in court, grow up with his family.

I am regularly in Family Court as a defense attorney in cases brought to court by the SC Department of Social Services (DSS). These cases involve either allegations of abuse or neglect of a child or allegations that an adult is vulnerable to exploitation or harm. There are a number of ways I am involved in these cases as I may be assisting the alleged vulnerable adult, representing the person accused of harming a child, or representing another person in the child's life. I have also been appointed guardian ad litem for defendants when there are issues of mental illness or intellectual

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disability. Mental health, poverty and education, and drug addiction issues are often involved in DSS cases. I have visited the homes of defendants and discussed their personal issues with them in detail. I have advised parents regarding termination of their parental rights and stood by mothers and fathers as each loses legal authority over their children.

In matters of equitable distribution, it is my common practice to verify property valuations, provide proof of valuations in cases as feasible, and to require my clients to produce documentation to me regarding the values of property. This helps my client make an informed decision during an emotional process. It helps me to explain the division of assets to my client and in negotiating with the opposing attorney. Another key element in representing clients in divorce actions is to identify all assets. Parties often do not think of retirement assets or know how to differentiate between pre-marital and marital assets.

As a guardian ad litem, I conduct home visits and interview relatives and friends regarding custody and visitation issues. I believe this work has given me invaluable experience that I can bring to the judiciary. As a guardian, I am not advocating for either parent. I am reviewing the evidence presented by both parents. My guardian work has made my legal practice stronger. Parents share with guardians very practical barriers they do not always relay to their attorneys. I have been able to apply this knowledge to my legal practice in advocating for parents.

I have appeared in court for defendant children in juvenile justice actions. The matters involving these children can overlap with DSS court and private Family Court litigation. My experience in General Sessions court has given me a general knowledge of criminal law. Juvenile justice differs in the status offenses applicable to minors and the pre-trial procedure. Once, I represented a juvenile charged with armed robbery. I saw no logical reason a young man like him should be in the juvenile justice system as much as he had been. He was intelligent, had a caring family, and had the opportunity to excel in school. For the armed robbery charge, we reached a reasonable plea deal given the severity of the crime and the evidence presented. In this case, I saw how the juvenile justice system tries to rehabilitate juveniles to avoid adult criminal activity.

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Finally, I am a certified Family Court mediator. I have found this work to be very rewarding because I have used my experience as a practitioner to help craft resolutions that are family specific.

I appear in Family Court several times a month. My experience has taught me that well intentioned and expedient rulings do not always lend positive results. As a Family Court judge, I want to craft a solution to the problem presented before me rather than creating future problems. I believe I have the life experience and professional experience to understand the financial and emotional impact of Family Court. I hope to give each case its due time and rule in a respectful manner designed to prevent repeat trips to the courthouse steps.

Ms. Rivers Davisson reported the percentage of her practice including civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 10%
- (b) Criminal: 20%
- (c) Domestic: 50%
- (d) Other: 20%

Ms. Rivers Davisson reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 10%
- (b) Non-Jury: 90%

Ms. Rivers Davisson provided that during the percentage of her practice in trial court during the past five years she most often served as sole counsel.

The following is Ms. Rivers Davisson's account of her five most significant litigated matters:

- (a) DSS v. Hiers (2017) & DSS v. Roberts (2017) I have listed these cases together because I represented each defendant father in the same year and with the same issue. Each father had been acknowledged by the biological mother to be the biological father of the minor children being removed from their mother's care. Each father had been involved in his child's life prior to removal and regularly visited and cared for his children. Each promptly contacted DSS upon learning of the investigation and removal; and each was denied access to their child until having an

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additional hearing in court. During the delay, each child was in a foster care placement or placement of the alleged perpetrator's choosing other than the child's biological parent. I was successful in assisting each father who ended up with an order of custody and placing that child in a familiar, safe, and loving home environment.

(b) Baltzegar v. Baltzegar (2004). This case involved the separation and divorce of a thirty-six year old marriage. Although the property division was important, the significance of the case was that Ms. Baltzegar had medical conditions that were potentially very serious in the future. The uncertainty of her medical needs made health insurance imperative for her. Mr. Baltzegar had medical issues as well, making retirement seem more appealing. Neither party was close to social security age at the time of the litigation and all non-employer based health insurance was not financially possible due to the wife's medical condition. Both parties wanted a divorce. This case demonstrated that the most important asset may not be a physical asset held by either party. Furthermore, the court is often limited in how it can assist. A settlement was reached with an attempt to address the health insurance issue. Ten years later the matter came up again and was resolved with finality. The Family Court is a court where litigated matters are not final in all circumstances. It is important to be thoughtful and purposeful in these matters as the issues may continue for many years.

(c) Pennicuff v. Pennicuff (2005). I served as the guardian ad litem for two minor children who were in the physical custody of their mother. The mother moved from Georgia to Ohio without making provisions for father's visitation. The father brought an action for change in custody or to address his visitation. During the investigation, questions arose regarding the stability of the children in mother's custody. With the assistance of an attorney in Ohio, we were able to present a full and accurate report of the status of these children to the South Carolina court which led to a change in custody. As the guardian, I pushed for court time to bring this matter to a hearing and brought out issues that neither attorney addressed for the mental and physical health of the children. The parties were limited financially and the docket was very limited. This case demonstrated the need for a guardian advocate for the minor children to move the case forward for the benefit and protection of the children. The attorneys are representing their individual clients and may have other issues to consider. This year,

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the father visited my office unexpectedly. He thanked me for my work and showed me pictures of his children who are now adults.

(d) Thomas v. Thomas (2004) I represented the plaintiff/wife in this action for divorce. The parties were married in 1971. Defendant/husband had been employed and managed the family farm. There were allegations of psychological and physical spousal abuse by the defendant who appeared in court claiming to have several physical disabilities. With the help of local law enforcement, we were able to prove that defendant's physical condition did not prevent the stalking and harassment that plaintiff continued to allege. This was essential in reaching a favorable settlement that involved support and a marital property settlement. I believe my client's physical safety was seriously threatened. The defendant/husband was presenting himself to the court and his attorney as unable to accomplish the acts he was accused of. Thankfully, my client remained physically safe during the time it took to prove her husband's deceit to the court.

(e) State v. David M. McClure, Jr., SC Opinion No. 25193, 537 SE 2d 273 (2000). While I was an associate at Bedingfield & Williams, Walter Bedingfield was appointed lead defense counsel for the first death penalty trial in Barnwell County. As his associate, I assisted in all pre-trial matters, met with expert witnesses, met with the client, conducted research, and assisted in trial preparations. Even though I was not a named attorney on this case, I cannot think of a more significant case in my career. The defendant was a young man convicted of killing his father and his father's girlfriend. As a litigator, this case was significant for me in learning the preparation required for such a case and the voluminous legal issues presented. Mr. McClure had confessed and was convicted by the jury. During the death penalty phase, he was sentenced to death. As an associate, I attended all client meetings, conducted research, prepared motions, attended all hearings, and assisted at trial. I met with experts and reviewed all evidence in this case. The penalty verdict was later overturned for improper comment upon the defendant's right to remain silent. Several years later, the appeal was resolved with Mr. McClure sentenced to life without parole. I did not work on the appeal in any manner. After practicing for twenty years, there are a number of Family Court cases or other criminal defense cases I could list as my fifth case, but this experience was unlike anything else I will

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encounter in my career. I cannot list my significant trials or litigation without mentioning this case.

Ms. Rivers Davisson reported that she has not personally handled any civil appeals.

Ms. Rivers Davisson reported that she has not personally handled any criminal appeals.

Ms. Rivers Davisson reported the following unsuccessful candidacies:

I was a nominated candidate for SC Family Court At Large #5 in January 2013 following the Fall 2012 judicial screening. I withdrew as a candidate. The seat went to an election between the Hon. Melissa Buckhannon and Hon. Randall E. McGee. Judge McGee still holds that seat.

I ran for the South Carolina House of Representatives District 91 seat in the special election held in April 1999. I lost to the Honorable Lonnie Hosey, who still serves in that seat. In 2014, I ran for Barnwell School District #29 school board and was defeated by Ms. Ferlecia Cuthbertson.

(9) Judicial Temperament:

The Commission believes that Ms. Rivers Davisson's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. Rivers Davisson "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, and character; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, mental stability, reputation, experience, and judicial temperament. The Committee had no related comments.

Ms. Rivers Davisson is married to Douglas Raymond Davisson. She has three children.

Ms. Rivers Davisson provided that she is a member of the following bar associations and professional associations:

- (a) SC Bar – newly elected to the House of Delegates.
- (b) Aiken County Bar.

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- (c) Barnwell County Bar.
- (d) SC Women's Law Association.

Ms. Rivers Davisson provided that she is a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Williston United Methodist Church, Board of Trustees
- (b) Aiken Civic Ballet Board Member
- (c) Williston-Elko School District Facilities community board

Ms. Rivers Davisson further reported:

Regardless of your background, Family Court is a place where many litigants lack foresight into his/her situation and succumb to the emotional nature of the litigation. I hope to present a calm and friendly demeanor to each litigant who comes into court.

For almost twenty years, I have maintained a general practice law firm in rural South Carolina. Although this is not a unique practice in our state, it has been an interesting perspective on life in South Carolina. I have advised families with their child or grandchild facing charges through juvenile justice. I have represented children before the local school board, and participated in DSS hearings as an advocate for a parent accused of abuse or neglect and as a volunteer guardian ad litem. Many of my clients live in poverty conditions and have provided me insight into the struggles of raising families on such limited incomes. When I have represented clients of more fortunate means, I find their issues in Family Court are not widely divergent. Each person wants to raise their children, wants their children safe, and wants to prosper as best he or she can after the devastation of the events that brought them to court. In the past few years, I have watched the effects of the opioid crisis in South Carolina compound all of these issues and require more intervention to protect children touched by this crisis. Most litigants fear the judicial system and have many misconceptions as to the workings of the court. My Family Court experience will aid me in serving the litigants who come before me, and I will strive to be both respectful and fair in all of my actions.

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During my career, I have watched the Family Court docket increase steadily. As a judge, I would strive to respect the law and provide pragmatic solutions to the family disputes presented to me. My law practice has given me insight into problems faced by families in South Carolina and the limits of the court system in protecting children and helping families. I hope to become part of the solution and address the needs of South Carolinians in Family Court.

(11) Commission Members Comments:

The Commission commented that Ms. Rivers Davisson is a well-rounded and experienced candidate. The Commission further noted that Ms. Rivers Davisson has the right temperament to be a Family Court Judge.

(12) Conclusion:

The Commission found Ms. Rivers Davisson qualified, and nominated her for election to Family Court, At-Large, Seat 1.

**R. Chadwick (Chad) Smith
Family Court, At-Large, Seat 1**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Smith meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Smith was born in 1971. He is 48 years old and a resident of Rock Hill, South Carolina. Mr. Smith provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Smith.

Mr. Smith demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to

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judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Smith reported that he has not made any campaign expenditures.

Mr. Smith testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Smith testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Smith to be intelligent and knowledgeable.

Mr. Smith reported that he has taught the following law-related courses:

- (a) Law School for Non-Lawyers, York Technical College, Rock Hill, South Carolina. I taught the course section on Child Abuse/ Neglect and Child Protection on March 28, 2017 for students enrolled in the South Carolina Bar's Law School for Non-Lawyers course.
- (b) Winthrop University, Rock Hill, South Carolina. On March 7, 2017, I presented an overview of child protection proceedings to Dr. Kori Bloomquist's Social Work 533 course at Winthrop University.
- (c) 2017 Old English Consortium Professional Development Conference. On October 9, 2017, I presented a session entitled "Overview of Child Protection Proceedings in South Carolina" for elementary and secondary educators who work in school districts within the north-central region of South Carolina.
- (d) 2016 Old English Consortium Professional Development Conference. On October 12, 2016, I presented a session entitled "SCDSS Information: Beyond Mandatory

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Reporting” for elementary and secondary educators who work in school districts within the north-central region of South Carolina.

- (e) Rock Hill School District Caregiver/ Guardian Forum. I was a panelist at a Caregiver/ Guardian Forum on May 19, 2016 hosted by the Rock Hill School District. The forum was conducted to provide guidance to those who are serving as alternative caregivers or guardians for children enrolled in the Rock Hill School District.
- (f) Rock Hill School District Secondary School Counselor’s Forum. I was a speaker in October 2015 for a forum for secondary school counselors in the Rock Hill School District. I discussed statutory child abuse/ neglect reporting requirements; various child custody arrangements; the scope and effect of safety plans implemented by SCDSS; and different court actions and the potential consequences of each action on child’s custody status.
- (g) Law School for Non-Lawyers, York Technical College, Rock Hill, South Carolina. I taught the course section on Child Abuse/ Neglect and Child Protection on September 16, 2014 for students enrolled in the South Carolina Bar’s Law School for Non-Lawyers course.

Mr. Smith reported that he has not published any books or articles.

(4)

Character:

The Commission’s investigation of Mr. Smith did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission’s investigation of Mr. Smith did not indicate any evidence of a troubled financial status. Mr. Smith has handled his financial affairs responsibly.

The Commission also noted that Mr. Smith was punctual and attentive in his dealings with the Commission, and the Commission’s investigation did not reveal any problems with his diligence and industry.

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- (5) Reputation:
Mr. Smith reported that he is not rated by any legal rating organization.
- Mr. Smith reported that he has not served in the military.
- Mr. Smith reported that he has never held public office.
- (6) Physical Health:
Mr. Smith appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Smith appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Smith was admitted to the South Carolina Bar in 2000.

He gave the following account of his legal experience since graduation from law school:

- (a) The Honorable John C. Hayes, III, Sixteenth Circuit Court of South Carolina, York, South Carolina. From August 1999 to August 2000, I served as law clerk to The Honorable John C. Hayes, III. During my tenure as Judge Hayes' law clerk, I researched case and statutory law; drafted bench memoranda; drafted proposed orders; prepared civil and criminal jury charges; and acted as liaison between the court, attorneys, and court personnel.
- (b) Sixteenth Judicial Circuit Solicitor's Office, York, South Carolina. From August 2000 to July 2001, I served as an assistant solicitor for Solicitor Thomas E. "Tommy" Pope. As an assistant solicitor, I evaluated law enforcement reports; researched statutory law, case law, the South Carolina Rules of Criminal Procedure, and the South Carolina Rules of Evidence; drafted indictments; interviewed and prepared witnesses for trial; and prepared and prosecuted cases in General Sessions, Transfer and Magistrate courts.
- (c) Harrelson, Hayes and Guyton, LLC, Rock Hill, South Carolina. From July 2001 to February 2004, I practiced as an associate attorney with the law firm Harrelson, Hayes and

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Guyton, along with firm partners Hugh L. Harrelson, Sr., Senator Robert W. Hayes, Jr., and David G. Guyton. I engaged in a general practice and represented clients of the firm in a variety of matters, including adoptions, child custody, divorce, equitable division of property and debts, separation and property settlement agreements, and child visitation; general civil litigation; criminal defense; residential real estate; and probate. The firm was dissolved when David G. Guyton was elected Judge of the Family Court, Sixteenth Judicial Circuit, Seat 2. As an associate attorney, I was not involved with the administrative and financial management of the firm.

- (d) R. Chadwick Smith, Attorney at Law, LLC, Rock Hill, South Carolina. From February 2004 to May 2013, I operated my own law office and practiced family law exclusively. I represented clients in a wide array of family law matters, involving abuse and neglect of children; adoptions; alimony and separate maintenance and support; child custody, child support; divorce; domestic violence, including petitions seeking orders of protection; equitable division of property and debts; mediation; minor and adult name changes; non-compliance of a court order; premarital agreements; separation and property settlement agreements; termination of parental rights; and child visitation. I served as guardian ad litem representing numerous children subject to custody disputes brought as part of divorce actions; modification of custody cases; visitation cases; adoption actions; and abuse and neglect cases filed by the South Carolina Department of Social Services. In 2009, I completed the South Carolina Bar's Family Court Mediation Certification Training Program and became a Certified Family Court Mediator. I mediated successfully numerous cases involving complex marital litigation; child custody; child and spousal support; property and debt division; and child visitation. I was involved with the daily administrative and financial management of my office, including management of my trust account.
- (e) South Carolina Department of Social Services ("SCDSS"), Rock Hill, South Carolina. I joined the South Carolina Department of Social Services as a staff attorney in May 2013, and I am currently employed with SCDSS. I represent SCDSS before the family court in York and Union counties

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in cases regarding alleged abuse and neglect of children and vulnerable adults. I advise SCDSS county directors, supervisors, and caseworkers regarding the status of cases and legal matters; research case and statutory law; draft pleadings for ex parte removal, removal, and intervention actions; prepare cases for court by conducting and responding to discovery, interviewing and preparing fact and expert witnesses for hearings and trial; review SCDSS documentation and reports; represent SCDSS at probable cause, merits, judicial review, permanency planning, and termination of parental rights hearings; represent SCDSS in private actions in which SCDSS has been named as a defendant; draft proposed orders for the family court; assure that SCDSS complies with state and federal law, and agency policies; represent SCDSS at Multi-Disciplinary Team Meetings at Carolinas Medical Center-Levine Children's Hospital, Charlotte, North Carolina, and Piedmont Medical Center, Rock Hill, South Carolina; utilize Legal Case Management System; and provide legal training for SCDSS staff.

Mr. Smith reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: I have not appeared in Federal Court in the past five years.
- (b) State: I appear before the Family Court on a weekly basis in an average of six hearings. I often appear before the Family Court two to three days each week.

Mr. Smith reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
- (b) Criminal: 0%
- (c) Domestic: 100%
- (d) Other: 0%

Mr. Smith reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0%

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(b) Non-jury: 100%

Mr. Smith provided that during the past five years he most often served as sole counsel.

The following is Mr. Smith's account of his five most significant litigated matters:

- (a) S.C. Dep't of Soc. Servs. v. Mother and Father, Case Number 2013-DR-46-1420. I represented SCDSS at a contested merits hearing, based upon an intervention action involving the four children of Mother and Father. SCDSS sought, in relevant part, an order of the Family Court finding Child A was sexually abused by Father and placing Father's name on the Central Registry of Child Abuse and Neglect. Father denied all allegations of sexual abuse as to Child A. Child A was a child with Autism who had limited communication skills and low cognitive ability. Child A was fifteen years old. Child A potentially functioned cognitively, adaptively, or developmentally under the age of twelve at the time of the merits hearing, and I considered arguing that her out-of-court statements concerning Father's sexual abuse should be admitted pursuant to the applicable provisions of S.C. Code 19-1-180. Child A communicated clearly, however, with her counselor, guardian ad litem, and me her desire to "tell her story" to the Family Court. Child A was the first witness I called in my case-in-chief. Child A was extremely soft-spoken, but was ultimately able to testify in detail regarding Father's acts of sexual abuse. Child A was subject to cross examination and never wavered. The Family Court ruled that Father sexually abused Child A and that Father's name should be entered in the Central Registry of Child Abuse and Neglect. Father was charged criminally with Criminal Sexual Conduct with a Minor. I was inspired that despite Child A's many challenges, she was able to find the strength and courage to face her Father directly and "tell her story" in the Family Court. Child A's testimony led to her siblings and other children being protected from potential sexual abuse by Father.
- (b) S.C. Dep't of Soc. Servs. v. Mother, Father, et. al., Case Number 2013-DR-46-2447. I represented SCDSS at a contested merits hearing, based upon an ex parte removal

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action involving four children of Mother and Father. The Family Court issued an ex parte order granting emergency custody of the four children to SCDSS. SCDSS sought, in relevant part, an order of the Family Court finding that Mother physically neglected Child A, Child B, Child C, and Child D. I called Mother as my first witness in my case-in-chief. Mother testified during direct examination that she drove a Lexus in which her children were passengers; that the Lexus she drove belonged to someone who she could not identify; that she and her children were involved in a single-vehicle crash; that, at the time of the crash, none of her children were restrained by car seats or safety belts; that around the time of the accident she regularly used marijuana, including marijuana laced with cocaine; that, as a result of the crash, she and her children sustained injuries; that she sustained a broken neck, broken collar bone, and broken shoulder blade; that Child A developed fluid on the brain and sustained a broken shoulder, which required hospitalization in intensive care for over one week; and that Child B sustained a broken jaw, which required surgery. The Family Court ruled that Child A, Child B, Child C, and Child D were physically harmed by the neglect of Mother and that Mother's name should be entered in the Central Registry of Child Abuse and Neglect. Mother filed an appeal alleging that the Family Court erred in finding that her conduct which led to her children being physically harmed constituted neglect and that her name should not have been entered in the Central Registry of Child Abuse and Neglect. The Court of Appeals' opinion confirmed, in toto, the Family Court's merits hearing order.

- (c) S.B.H. v. W.B.H., Case Number 2010-DR-46-968. I represented S.B.H. ("Wife") in a divorce action from W.B.H. ("Husband"). At the time marital litigation was commenced, Husband and Wife had been married for fifteen years. Husband and Wife were the parents of two children and were well-educated professionals in the community. Wife sought a divorce from Husband based upon the grounds of Husband's habitual intoxication, custody of the parties' children, child support, equitable apportionment of property and debts, and attorney's fees. One of the most significant issues in this case was Wife's assertion that Husband had engaged in a pattern of economic misconduct during the parties' marriage which

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adversely affected the economic circumstances of the marital partnership and that, as a result of Husband's economic misconduct, the Family Court should consider Husband's economic misconduct when equitably apportioning property and debts. The case came before the Family Court for a highly contested final hearing. The Family Court ruled, in relevant part, that Wife was entitled to a divorce from Husband; that Wife would have sole custody of the parties' children; and that any visitation Husband may exercise with the parties' children would be strictly supervised. In relevant part of the issue of Husband's economic misconduct, the Family Court ruled that Wife was entitled to exclusive use and ownership of the parties' former marital home valued at approximately \$450,000.00 and that Wife would receive sole ownership of her retirement account valued at approximately \$100,000.00, despite Wife's retirement account being marital property subject to equitable apportionment.

- (d) T.J. v. H.J., Case Number 2009-DR-46-2148. I represented H.J. ("Wife") in a divorce action filed by T.J. ("Husband"). At the time marital litigation was commenced, Husband and Wife had been married for six years. Husband and Wife were parents of two children. Husband sought a divorce from Wife based upon the grounds of Wife's Adultery, custody of the parties' children, child support, equitable apportionment of marital property and debts, and attorney's fees. Wife filed an answer and counterclaim. Wife sought a decree of separate support and maintenance, child custody, child support, alimony, equitable apportionment of marital property and debts, and attorney's fees. The most significant issue in this case was Wife's assertion that she should be entitled to relocate to New Mexico with the parties' children. Husband vehemently opposed Wife's proposed out-of-state relocation. The case came before the Family Court for a contested final hearing. Wife was able to satisfy the requirements for a proposed out-of-state relocation, as articulated by the South Carolina Supreme Court in *Latimer v. Farmer*, 360 S.C. 375, 602 S.E.2d 32 (2004). Wife presented evidence of the potential advantages of the proposed move; the likelihood that the move would improve substantially the life of Wife and the parties' children and was not a random decision to relocate; the integrity of Wife's motives to relocate; and the availability

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of realistic substitute visitation arrangements to foster an ongoing relationship between the parties' children and Husband. The Family Court ruled, in relevant part, that Husband and Wife were entitled to a divorce based upon the grounds of the parties having lived separate and apart for a period in excess of one year; that Wife was granted custody of the parties' children; and that Wife was allowed to relocate to New Mexico with the parties' children.

- (e) R.R. v. J.S., et. al., Case Number 2008-DR-46-2090. I represented R.R. ("Psychological Father") in a custody action, based upon the psychological parent doctrine. Psychological Father and the natural mother of Child A were never married to each other but resided together for over four years at the time litigation was commenced. Child A was five years old. Psychological Father was the only father Child A had ever known. The natural father of Child A allegedly resided in California, but his location in California was not known. Child A's father had never been involved in Child A's life. The natural mother of Child A died tragically, and at the time of the mother's death, she and Psychological Father resided together with Child A. Psychological Father sought an order of the Family Court granting him emergency custody of Child A. The significant issue presented by this case was the psychological parent doctrine. The South Carolina Court of Appeals' opinion in Middleton v. Johnson, 369 S.C. 585, 633 S.E.2d 162 (Ct. App. 2006), was issued on June 28, 2006, and adopted the psychological parent doctrine. Psychological Father commenced his action seeking custody of Child A on July 31, 2006. Psychological Father presented compelling evidence that Child A's natural mother consented to and fostered Psychological Father's establishment of a parent-like relationship with Child A; that Psychological Father and Child A had lived together in the same household; that Psychological Father assumed parental obligations by taking significant responsibility for Child 's care; and that Psychological Father had been in a parental role sufficient to have established a bonded, dependent relationship with Child A. I represented Psychological Father in an action seeking to terminate the parental rights of Child A's natural father and to adopt Child A. In 2011, Psychological Father became simply "Father" when he successfully adopted Child A.

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The following is Mr. Smith's account of four civil appeals he has personally handled:

- (a) S.C. Dep't of Soc. Servs. v. Patricia Carter, Terry Barrow, and Gary James, Defendants, of Whom Patricia Carter is the Appellant, Unpublished Opinion No. 2018-UP-290. The Court of Appeals issued an unpublished opinion on June 27, 2018 which affirmed the Family Court's finding that Appellant had physically neglected her child, based upon the circumstances of the death of her youngest child. The Court of Appeals stated that, under the specific circumstances of the case, Appellant's act of maintaining an unsecured, loaded, chambered firearm that was accessible to Appellant's child at the time of the death of her youngest child constituted an act or omission that presented a substantial risk of physical injury to a child.
- (b) S.C. Dep't of Soc. Servs. v. Kimberly Bolin and Angela Gibson, Defendants, of Whom Kimberly Bolin is the Appellant, Unpublished Opinion No. 2016-UP-016. The Court of Appeals issued an unpublished opinion on January 13, 2016 which affirmed the Family Court's findings from trial that Appellant willfully or recklessly neglected her children, as a result of Appellant and her children being injured in an automobile accident during which the children were not restrained properly in car seats or seatbelts, as required by statute, and during a period of time Appellant admitted she used marijuana regularly. The Court of Appeals further affirmed the family court's finding that Appellant's name should be entered on the Central Registry of Abuse and Neglect.
- (c) Amanda Lake v. Jonathan Lake, Unpublished Opinion No. 2014-UP-099. The Court of Appeals issued an unpublished opinion on March 5, 2014 which affirmed in part, reversed in part the Family Court's order, and remanded for further proceedings. The Court of Appeals' opinion reversed Wife's award of permanent periodic alimony; remanded the issue of Wife's award of attorney's fees; affirmed the family court's equitable apportionment of marital property; and affirmed the parties' visitation schedule with their children ordered by the family court.
- (d) Kevin McCrowey v. The Zoning Bd. of Adjustment of the City of Rock Hill, South Carolina, 360 S.C. 301, 599 S.E.2d 617 (Ct. App. 2004). The Court of Appeals issued an opinion on

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July 12, 2004 which held that because landowner's property violated a zoning ordinance, the zoning administrator exceed his authority when he approved landowner's parking plan, and because the zoning administrator's initial action approving landowner's parking plan was in error, the doctrine of equitable estoppel could not be applied to estop the Zoning Board of Adjustment from finding the property in violation of a zoning ordinance.

Mr. Smith reported that he has not personally handled any criminal appeals.

Mr. Smith further reported the following regarding unsuccessful candidacies:

I was an unsuccessful candidate for Family Court Judge, At-Large, Seat 8. On December 1, 2016, I withdrew as a candidate for Family Court Judge, At-Large, Seat 8.

(9) Judicial Temperament:

The Commission believes that Mr. Smith's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. Smith to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional, and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, "The committee was impressed by Mr. Smith's diligence, thoughtfulness, and determination to provide a fair forum to all litigants in Family Court. We believe that he would bring a balanced perspective and empathy to the bench, enhanced by over 15 years of experience in family court matters."

Mr. Smith is married to April Edwards Smith. He has two children.

Mr. Smith reported that he was a member of the following bar and professional associations:

(a) South Carolina Bar Association, Member.

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- (b) Resolution of Fee Disputes Board for the Sixteenth Judicial Circuit. I have been a member of the Resolution of Fee Disputes Board since January 2018, and I am currently a member.
- (c) South Carolina Bar's Law Related Education Committee, Member, July 1, 2014 to present. I have participated as a scoring judge in numerous middle school and high school mock trial competitions.
- (d) South Carolina Bar's Children's Law Committee, Member, July 1, 2014 to June 30, 2015, July 1, 2016 to June 30, 2017.
- (e) York County Bar Association, Member, Secretary (2003), Treasurer (2004).

Mr. Smith provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) First Associate Reformed Presbyterian Church, Rock Hill, South Carolina. My wife and I are active members of First Associate Reformed Presbyterian Church. On January 11, 2015, I was ordained and installed as a deacon, and served as a deacon for a three-year term. I served on the Board of Deacons, the Christian Education/ Preschool Committee, and the Transportation and Insurance Committee. Since 2013, my wife and I have served as Sunday School teachers for three, four, and five-year-old children.
- (b) Kiwanis Club of Rock Hill, South Carolina. I am a member of the Kiwanis Club, and have been a member for approximately ten years. I am an active volunteer with the Terrific Kids Program, which is a student-recognition program for elementary school students that promotes character development, self-esteem, and perseverance. I participated in monthly Terrific Kids recognition programs at Ebinport Elementary School and Old Pointe Elementary School in Rock Hill. I have been involved with the Terrific Kids Program for eight years.
- (c) ROAR Sports League. Since 2016, I have been involved with ROAR Sports League through Westminster Presbyterian Church, Rock Hill, South Carolina. I have served as a volunteer soccer and basketball coach for children in kindergarten and first grade.
- (d) Rock Hill Country Club, Rock Hill, South Carolina. My family and I are members of the Rock Hill Country Club. My children have been members of the club's competitive

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swim team and my wife has served as an active parent volunteer and timer for swim meets.

Mr. Smith further reported:

As I have practiced law in my community, I have also practiced the habit of giving respect to any client whom I have represented. I have a deep admiration for judges who have earned the respect of practicing attorneys and citizens in their courtrooms, and I have had the privilege to practice before many of South Carolina's outstanding Family Court Judges. I admire greatly those judges who have control of their courtrooms, are well-organized, even tempered, and treat litigants, attorneys, and court personnel fairly, regardless of their social or financial standing. Judges with whom I have contact who have high ethical standards and are admired in the community have become role models for me.

My family and my faith define the purpose of my life. Two of the most important life experiences for me have been my marriage to my best friend and love of my life, April Edwards Smith, who serves our community as a School Psychologist in the Rock Hill School District, and the birth of our sons, Samuel and William. I will have lived a successful life if someday it is said, "Chad was a devoted and loving husband and father; a man of deep faith; and a well-respected Family Court Judge who applied the rule of law equitably."

- (11) Commission Members' Comments:
The Commission commented that Mr. Smith is very experienced in family law and displayed a great demeanor. They found him well qualified to serve as a Family Court judge.
- (12) Conclusion:
The Commission found Mr. Smith qualified, and nominated him for election to Family Court, At-Large, Seat 1.

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**The Honorable Bryan C. Able
Family Court, At-Large, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Able meets the qualifications prescribed by law for judicial service as a Family Court judge.

Judge Able was born in 1961. He is 58 years old and a resident of Laurens, South Carolina. Judge Able provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1987.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Able.

Judge Able demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Able reported that he has not made any campaign expenditures.

Judge Able testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Able testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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- (3) Professional and Academic Ability:
The Commission found Judge Able to be intelligent and knowledgeable.
- Judge Able reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.
- Judge Able reported that he has not published any books or articles.
- (4) Character:
The Commission's investigation of Judge Able did not reveal evidence of any founded grievances or criminal allegations made against him.
- The Commission's investigation of Judge Able did not indicate any evidence of a troubled financial status. Judge Able has handled his financial affairs responsibly.
- The Commission also noted that Judge Able was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.
- (5) Reputation:
Judge Able reported that his last available rating by a legal rating organization, Martindale-Hubbell, was BV.
- Judge Able reported that he has not served in the military.
- Judge Able reported that he has never held public office other than judicial office.
- (6) Physical Health:
Judge Able appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Able appears to be mentally capable of performing the duties of the office he seeks.

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(8) Experience:

Judge Able was admitted to the South Carolina Bar in 1987.

He gave the following account of his legal experience since graduation from law school:

- (a) 1987-1991 - Culbertson, Whitesides & Turner – Associate – General Practice
- (b) 1991-1996 - Culbertson, Whitesides, Turner & Able – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (c) 1992 - September 2004 - Contract Attorney for the South Carolina Department of Social Services – I appeared as attorney of record for DSS in Laurens, Greenwood, Abbeville and Newberry Counties handling all abuse and neglect cases involving children and vulnerable adults.
- (d) 1996-1999 - Turner & Able, L.L.P. – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (e) 2000-2001 - Turner, Able and Burney L.L.P. – Partner – General Practice – I was involved daily with the administrative and financial management of the firm including the management of trust accounts.
- (f) 2001 to present - Bryan C. Able, Attorney at Law – General Practice – I am a sole practitioner. I am involved daily with the administration and financial management of my firm including the management of my trust account.
- (g) 2005 – 2006 - Assistant Laurens County Public Defender – I handled appointed criminal cases before the Court of General Sessions.
- (h) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County.
- (i) June 2013 - present – Associate Judge of Probate, Laurens, SC - I am responsible for hearing and adjudicating all contested hearings concerning all aspects of the courts' jurisdiction under Section 62-1-302; decedents' estates, trust and Article 5 protective proceedings. During my tenure as judge, I have presided over numerous cases not only in Laurens County but from other counties as well. I have had

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the honor of being appointed by the Supreme Court to hear and preside over cases in other counties.

(j) July 2014 – present – Family Court Mediator

Judge Able reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 0%
- (b) State: 100%

Judge Able reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 5%
- (b) Criminal: 10%
- (c) Domestic: 85%
- (d) Other: 0%

Judge Able reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 5%
- (b) Non-jury: 95%

Judge Able provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Able's account of his five most significant litigated matters:

(a) State of South Carolina v. Ashley N. Hepburn, Appellate Case No. 2011-190695

Tried in Laurens County; Court of General Sessions
February 22 to March 3, 2011

I represented Ms. Hepburn at trial. Ms. Hepburn was charged with homicide by child abuse. On the evening of October 13, 2009, Ms. Hepburn's sixteen-month-old daughter (the victim) became unresponsive and was admitted to the hospital in Greenwood, South Carolina. She eventually died in a Greenville hospital on October 17, 2009. No one, including Ms. Hepburn, disputed that the victim died from child abuse. There were only two people that could have killed the victim, either Ms. Hepburn or her boyfriend, as they were home with the victim on the night she sustained her fatal injuries.

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At the close of the States evidence, I moved for a directed verdict pursuant to Rule 19 SCRCrP claiming the State had fail to present substantial circumstantial evidence that Ms. Hepburn committed the crime charged. I argued the State's evidence merely rose to a suspicion that Ms. Hepburn committed the crime, and this mere suspicion was insufficient to survive a directed verdict motion, in that the State had only proven that Ms. Hepburn was in the home when the victim sustained the fatal injuries. I conceded that the State had proven that the child died from homicide by child abuse, but argued that the State had not proven that the child abuse was inflicted by Ms. Hepburn.

The Court denied my motion for a directed verdict. The jury found Ms. Hepburn guilty of homicide by child abuse and she was sentenced to 45 years imprisonment.

I did not handle the appeal, however the Supreme Court directed a verdict of acquittal finding the trial court erred in refusing to grant my mid-trial motion for directed verdict. The Supreme Court held in reversing the trial courts refusal to direct a verdict of acquittal that the State did not put forward sufficient direct or substantial circumstantial evidence of Ms. Hepburn's guilt.

(b) South Carolina Department of Social Services v Robert David Johnston Jr. and Christy Dawn Johnston

Tried in Laurens County Family Court; December 13, 14,15, 17,20, 21, and 22, 2010

2007-DR-30-648

2007-DR-30-775

This was a child abuse case. I represented Mr. Johnston. DSS sought an Order of the Court to make an affirmative determination that Mr. Johnson did sexually and physically abuse his four (4) children and ordering that Mr. Johnston's name be listed in the Statewide Central Registry for Child Abuse and Neglect. The case involved the testimony of many medical experts and one of the children. After seven (7) days of trial the Court found that DSS had failed to prove by a preponderance of the evidence that Mr. Johnston sexually or physically abused his children and ordered the case dismissed.

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(c) Belinda Godfrey v William R. Godfrey

Tried in The Laurens County Family Court; December 3-4, 2007

06-DR-30-485

This was a divorce case. I represented Ms. Godfrey. Prior to trial the parties reached an agreement on all issues raised in the pleading with the exception of whether or not the lake lot inherited by Mr. Godfrey had been transmuted to marital property and if so transmuted, how was it to be divided between the parties.

The court found that the evidence and testimony presented clearly showed it was the intent of Mr. Godfrey to transmute the lot on Lake Greenwood into marital property. The court ordered that Ms. Godfrey and the parties minor child could remain in the marital home upon the Lake Greenwood lot until the minor child graduated from high school and at that time the property would be listed for sale and the net proceeds divided equally between the parties.

(d) James H. Holliday v Tiffany M. Holliday

Tried in the Laurens County Family Court; June 13-14, 2005
04-DR-30-519

This was a child custody and relocation case. I represented Ms. Holliday. Mr. Holliday brought the action seeking full custody of the parties minor child based on a substantial change of circumstances. By prior Order of the Court dated August 9, 2001 the parties had been granted joint custody of the minor child “with the child living with the mother on a final and permanent basis.” By subsequent divorce order dated June 12, 2003 all provisions concerning custody and visitation contained within the previous Order dated August 9, 2001 were to “remain in full force and effect.” Subsequent to the parties divorce Ms. Holliday relocated with the minor child from Laurens County, SC to Greencove Springs, Florida. Ms. Holliday’s move to Florida was alleged by Mr. Holliday to be a substantial change of circumstances.

The court found that a substantial change of circumstances that would warrant a change in custody or that would warrant changing the minor child living with his mother and having visitation with his father had not occurred. The Court ordered that the parties would have joint custody

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of the minor child being defined as the child living with mother and mother making the day-to-day decision concerning the child and father having visitation.

(e) Derry Julian Bundrick v Melissa Ann Darnell Bundrick

Tried in the Laurens County Family Court; April 24, 2012
2010-DR-30-316

This was a divorce case. I represented Ms. Bundrick. The issues to be decided by the court were equitable division of a considerable marital estate, alimony, restraining orders and attorney's fees.

The parties had been married for 40 years at the time of the pleadings being filed.

After a day of trial, the Court divided the marital estate equally between the parties with Ms. Bundrick being awarded the marital home and ordered Mr. Bundrick to pay Ms. Bundrick permanent periodic alimony together with Ms. Bundrick's attorney's fees.

The following is Judge Able's account of five civil appeals he has personally handled:

- (a) Johnny Lee Johnson v. Phillip Flaughner – SC Supreme Court
- (b) Jennifer Satterfield by her Guardian Ad Litem, Pam Satterfield v. Dillard Department Store – SC Court of Appeals
- (c) South Carolina Department of Social Services v. Jason Ihnatiuk et al. - SC Court of Appeals
- (d) South Carolina Department of Social Services v. Jacqueline D. Sims et al. - SC Court of Appeals
- (e) South Carolina Department of Social Services v. Grace Williams, Robert Williams, Jr. and Briana J. A. W. and Justin L. W. - SC Court of Appeals

The following is Judge Able's account of the criminal appeal he has personally handled:

Municipality of Fountain Inn v Monique Tucker

Greenville County Court of Common Pleas

August 11, 2014

(Municipal Court appeal to Court of Common Pleas)

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Judge Able reported that he has held the following judicial office(s):

- (a) Appointed City of Laurens, SC - Laurens City Judge March 1991 – 1994
Criminal jurisdiction up to limit of the statutory fine or thirty (30) days in jail.
- (b) Appointed Laurens County, SC - Associate Judge of Probate February 2013 – Present
Jurisdiction pursuant to Section 62-1-302

Judge Able provided the following list of his most significant orders or opinions:

- (a) Deborah Parsons, Personal Representative of the Estate of William Edward Carr v. Darlene Brashwell, Ralph L. Braswell, Jr., Tammy Foster and Melissa Glass
2011-ES-30-0081 (Tried February 2, 2016)

- (b) Ralph Wayne Ramsey and Marshall E Ramsey v. Roger Dean Ramsey and Janet Ramsey
2007-ES-30-408 (Tried May 19, 2015)
Appealed to Laurens County Court of Common Pleas. 2015-CP-30-727. By order of Jean Hoefer Toal, Presiding Judge of the Court of Common Pleas it was ordered that the Orders of the Probate Court (2007-ES-30-0408), including the order dated September 9, 2015, “are final and subject to immediate enforcement.”

- (c) Bianca Jackson v Angela Brunside
In the matter of: the Estate of Willie C. Jackson 2014-ES-30-0222 (Tried May 12, 2015)

- (d) In the matter of: The Estate of Stanley W. Davis
Victoria Laura Bishop v Eugene M. Griffin, Lonnie Griffin, Mary E. Raines, Joan G. Rook and Betty G. Tollison
2016-ES-30-146 (Tried July 19, 2016)

- (e) Nancy Valdivia v Ann Kelly
2016-GC-30-18 (Tried October 27, 2016)

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Judge Able reported the following regarding his employment while serving as a judge:

- (a) 2001 to present - Bryan C. Able, Attorney at Law – General Practice
- (b) 2013 - 2016 - Contract Criminal Attorney for South Carolina Commission of Indigent Defense – I handled appointed criminal cases before the Court of General Sessions in Laurens County. Supervisor: Jana Nelson

Judge Able further reported the following regarding unsuccessful candidacies:

Family Court, Eighth Circuit, Seat 1 - 2017

Circuit Court, Eighth Circuit, Seat 1 - 2009

Circuit Court, Eighth Circuit, Seat 2 - 2008

Solicitor, Eighth Judicial Circuit - 2004

(9) Judicial Temperament:

The Commission believes that Judge Able's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications reported that Judge Able was "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, "Judge Able has served as a part-time Associate Judge of Probate in Laurens County since 2013 and as a general practitioner specializing in family law issues for three decades. The committee believes that this breadth of experience has given him the skills, subject matter expertise, and judicial temperament that would make for a well-qualified and capable Family Court Judge."

Judge Able is married to Esther Ruth Myers Able. He has three children.

Judge Able reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association

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(b) South Carolina Association of Probate Judges

Judge Able provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Laurens County Exchange Club
- (b) Laurens County Fair Association

Judge Able further reported:

Over the past 32 years, I have met many different kinds of people while practicing law in the Family Court. I have represented and worked with people of great wealth and high levels of education. I have also represented and worked with people who have been very poor and could not read or write. I often can be at the courthouse talking with a judge and a group of lawyers between hearings about everyday topics like family or sports but then stop to speak to the custodians or sheriffs deputy in the hall to ask about his or her family or their plans for the weekend. I was raised to believe that a person is not judged by his station in life or how much money or education he or she has, but what that person is doing with their life.

I want everyone who appears in front of me as a judge to leave my courtroom believing that they had been treated fairly by someone who is patient, understanding, compassionate and willing to listen. No matter their station in life or their resources I want everyone to know that they appeared in front of a courteous, ethical and honorable judge.

(11) Commission Members' Comments:

The Commission commented that Judge Able is an exceptional candidate, and they appreciate his dedication to the legal profession.

(12) Conclusion:

The Commission found Judge Able qualified, and nominated him for election to Family Court, At-Large, Seat 2.

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**Timothy E. Madden
Family Court, At-Large, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Madden meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Madden was born in 1963. He is 56 years old and a resident of Greenville, South Carolina. Mr. Madden provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Madden.

Mr. Madden demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Madden reported that he has made a total of \$298.76 in campaign expenditures for Federal Express, postage and printing charges.

Mr. Madden testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Madden testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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- (3) Professional and Academic Ability:
The Commission found Mr. Madden to be intelligent and knowledgeable.

Mr. Madden reported that he has taught the following law-related courses:

- (a) National Family Law Trial Institute, Houston, Texas. (2010-2019). This program is an 8-day intensive trial skills course open to and attended by practicing attorneys from various states who seek to improve courtroom presence in divorce-related litigation. As a volunteer member of the faculty, every other year as part of this program I co-teach an advanced course focused on the issue of business valuation in divorce cases. I normally present a lecture called “Business Valuations – Lawyer to Lawyer”, and participate in a demonstration of cross examination of a business valuation expert. As part of the program I critique students on presentations. Periodically I serve as one of the faculty members responsible for a small group (about six) participants for the entirety of the program. On the last day of the program there is a mock trial and I have served as judge in the mock trial.
- (b) Institute for Associates, American Academy of Matrimonial Lawyers, Chicago, Illinois. (2016-2018). This program is a three day program which serves lawyers from various states who are new to the area of family law. As a volunteer member of the faculty I was responsible for mentoring a small group of lawyers throughout the program, and lectured in both the regular and advanced courses. The lecture topics were business valuation for lawyers, deposing the expert witness, direct examination of the expert witness, and cross examination of the expert witness. In the 2018 advanced course I delivered some of these lectures using a case-study approach based on the Moore vs. Moore case.
- (c) Southwest Divorce Conference, Advanced Financial Topics, Presented by Arizona Chapter of the American Academy of Matrimonial Lawyers, 2017. This program is a multi-day continuing education conference. At the invitation of the organizers, I served with a nationally-known expert in the role of keynote speakers. I lectured and presented multiple times during the course of the seminar on topics related to business valuation and expert testimony.

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- (d) Greenville County Bar, 2017. This program was the end-of-the-year annual continuing education seminar. I participated in a panel discussion during the family law segment. The panel consisted of experienced and less-experienced practitioners. The focus of the discussion centered on maintaining and managing a successful family law practice.
- (e) South Carolina Bar, various years in various seminars. Below I describe these to the best of my recollection.
 - (1) “Hot Tips for Family Law”. For several years I presented at the annual “Hot Tips” JCLE seminar presented by the Family Law Section and made presentations on different issues such as the use of requests for admission in Family Court, service of subpoenas on out of state witnesses, and other topics.
 - (2) Fall Seminar Presented by Family Law Section, Grove Park Inn, Asheville, NC. (about 2012). Along with another lawyer and some financial experts, this was a workshop seminar at which I presented on financial topics over the course of several sessions.
 - (3) Workshop Seminar Presented by Family Law Section, Greenville, SC (about 2009). With a CPA, I led a multi-hour workshop focused on reading and understanding tax returns, and using the data from tax returns in Family Court.
 - (4) JCLE for Family Court Judges (about 2007). I presented on the topic of pleadings in Family Court.
 - (5) At one seminar (I do not recall the specific one or date), I presented on the topic of representing foreign nationals in Family Court.
 - (6) Video CLE led by former Family Court Judge Leslie Riddle called “Whipping Up Some Justice” on the topic of pleadings and temporary hearings in Family Court.
- (f) SC Association of Public Accountants Seminar (about 2011). I served on panel focused on business valuations in Family Court.
- (g) New Judge Orientation School (about 2002). I presented on the topic of equitable apportionment at this school for new Family Court Judges in South Carolina.
- (h) Greenville Technical College, Paralegal Program. In the early 1990’s I taught a few courses to paralegal students. To

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the best of my recollection the courses I taught were family law and real property.

Mr. Madden reported that he has published the following:
South Carolina Practice Manual (Howard/Moise ed. 2000), author of chapter titled "Marital Dissolution and Child Custody"

I also served on the Editorial Board for the Third Edition of Marital Litigation in South Carolina: Substantive Law, Roy T. Stuckey (SC Bar CLE, first published in 1991, subsequent editions published through 2010 with annual supplements).

(4) Character:

The Commission's investigation of Mr. Madden did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Madden did not indicate any evidence of a troubled financial status. Mr. Madden has handled his financial affairs responsibly.

The Commission also noted that Mr. Madden was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Madden reported that his rating by a legal rating organization, Martin-Hubbell, is AV; he has been recognized as Lawyer of the Year in Greenville in family law (2012 and 2020) by Best Lawyers in America; his rating by Greenville Business Magazine, is Legal Elite; and his rating by Super Lawyers, in Family Law, is one of the "Top 25" in the state in two non-consecutive years.

Mr. Madden reported that he has not served in the military.

Mr. Madden reported that he has held the following public offices:

(a) South Carolina Education Lottery Commission. 2001 to 2016. Chair (2006-2016), Vice Chair (2001-2006). Appointed.

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(b) South Carolina Transportation Infrastructure Bank Board. 1997 to 2001. Vice Chair. Appointed.
(c) Greenville County Transportation Committee. 1993 to 1997. Elected by Greenville County Legislative Delegation.

- (6) Physical Health:
Mr. Madden appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Madden appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Madden was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) August, 1988 until about January, 1993. Associate Attorney in private practice (small firm)
Employer: Wilkins, Nelson, Kittredge & Simmons, P.A. (later Wilkins, Nelson and Kittredge, P.A., and then Wilkins & Nelson, P.A.)
Practice: family law (80%+), civil litigation (10%), real estate (5%), appeals (5%)

(b) January, 1993, until February, 2006. Partner in private practice (small firm)
Firm: Initially Wilkins & Nelson, P.A., later renamed Wilkins & Madden, P.A.
Practice: family law and related appeals (85-90%), civil litigation (about 10%), real estate (small percentage)
Other: Managing Partner (1993-2006). Responsibilities included financial management (including trust accounts), day-to-day administrative management, human resources, supervision and mentoring of less experienced lawyers

(c) February, 2006, to present. Partner in private practice (large firm)
Firm: Nelson Mullins Riley & Scarborough, LLP
Practice: family law and related appeals (90%), civil litigation (10%)

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Other: Office Managing Partner (2011-present), Partner Development Committee (2009-present), Marketing Committee (2007-2012), Strategic Planning Committee (2007-2008). Responsibilities include supervision and mentoring of attorneys in family law practice area, serving as liaison for the office's 42 lawyers and 40-45 staff with the firm's Executive Committee, general management responsibilities, and administration of the office marketing budget

Mr. Madden reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: About twice in the last five years (estimate);
- (b) State: About 30 appearances per year.

Mr. Madden reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5% to 10% (varying each year)
- (b) Criminal: a small percentage (in my role as a volunteer prosecutor for domestic violence cases)
- (c) Domestic: 90 to 95%
- (d) Other: nominal

Mr. Madden reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: nominal
- (b) Non-jury: at least 90% (the only family law matters which are not responsive to this question are the premarital agreements)

Mr. Madden provided that during the past five years he most often served as chief counsel, with assistance from younger partners or associates.

The following is Mr. Madden's account of his five most significant litigated matters:

- (a) Moore v. Moore, 414 S.C. 490, 779 S.E.2d 533 (2015), and subsequent appeal, Moore v. Moore, Op. No. 2019-UP-208, 2019 WL 2372477 (S.C. Ct. App. June 5, 2019). This case was significant because it involved an

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issue of first impression, and because we were able to turn a loss at trial into a victory on appeal. In addition to making new law, the case is instructive on the complexities of equitable apportionment cases (specifically those involving closely-held businesses), the value of developing a detailed evidentiary record, and the importance of presenting credible expert testimony.

- (b) Reyes v. Jeffcoat, No. CA 3:12-298-JFA, 2012 WL 4009641 (D.S.C. Sept. 12, 2012), and Fourth Circuit, Reyes v. Jeffcoat, 548 F. App'x 887 (4th Cir. 2013). This case was significant because it involved concurrent litigation in state and federal court, and the outcome of the federal court trial was critical to my client having an opportunity for a fair resolution of his divorce and related issues in South Carolina, as opposed to Venezuela. The federal court litigation focused on the application of the Hague Convention on the Civil Aspects of International Child Abduction because the family lived in South Carolina and Venezuela. It included a five-day trial and appeal. The federal court (including the Fourth Circuit Court of Appeals) agreed with our position. As a result our client resolved the divorce-related litigation in the South Carolina Family Court. Had the result from the federal court been different, our client would likely have been deprived of parenting time with his children and substantial marital assets.
- (c) Minor Child "R" Matter. This case was significant because the outcome determined whether an orphaned three-year old child would have the opportunity of normal childhood and upbringing as opposed to one which would be less stable. The child's father died unexpectedly when the child was two, and while the biological parents were living separately. The child's mother attempted to kill the child by shooting him with a handgun, which she then immediately turned on herself and committed suicide. Using all the available law and a career of experience, in intensely contested litigation, we were able to secure emergency and temporary custody of the child with a stable, loving family member, and thereafter temporary custody and

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ultimately adoption by the biological father's brother and sister-in-law. In this particular case, I know the family and we are members of the same church. I routinely see the child and know that he is a happy, normal and well-adjusted child.

- (d) Latham vs. Latham. This case was the most contentious divorce in which I was ever involved, and the only one, to my knowledge, where the adverse party hired someone to try to murder my client. Before the murder-for-hire plot became known, the case included extreme discovery and motions hearings, and was headed for a week-long trial. On the eve of trial the would-be killer was arrested on other charges and divulged the plans to law enforcement. My client and her children were taken into protective custody. Ultimately the opposing party and his girlfriend were charged by federal authorities with the relevant crimes. Both of them are now in federal prison after a criminal trial in which I testified. The case was featured on the television program "Dateline" and in another docu-drama on the Investigation Discovery channel.
- (e) Dickert v. Dickert, 387 S.C. 1, 691 S.E.2d 448 (2010). This divorce case was significant because of some of the unique financial issues involved, and because it is now routinely cited in negotiations and by trial judges as a guide for the appropriate amount of alimony. The business valuation issues in this case, and the Supreme Court's decision on them, gave me an important background for the preparation, trial and appeal of the Moore case (see above). While the alimony decision in this case does not create a formula as some lawyers believe, the Supreme Court's opinion seems to be used by many as creating helpful guidelines which are useful in settlement negotiations.

The following is Mr. Madden's account of five civil appeals he has personally handled:

- (a) Brasington Tile Co. v. Worley, 327 S.C. 280, 491 S.E.2d 244 (1997)
- (b) First Baptist Church of Mauldin v. City of Mauldin, 308 S.C. 226, 417 S.E.2d 592 (1992)

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- (c) B.P. Staff v. Gurantee Insurance Company, 391 S.C. 308 (2009 WL 9529179)
- (d) Hull v. Spartanburg Cty. Assessor, 372 S.C. 420, 641 S.E.2d 909 (Ct. App. 2007)
- (e) Keowee Inv. Grp., LLC v. Pickens Cty., S.C. Dep't of Transp., Op. No. 2004-UP-459, 2004 WL 6331837 (S.C. Ct. App. Aug. 30, 2004)

Mr. Madden reported that he has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Mr. Madden's temperament would be excellent.

(10) Miscellaneous:

The Upstate Citizens Committee on Judicial Qualifications found Mr. Madden to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, "Mr. Madden has an extensive amount of experience in private cases, including all types of divorce, equitable division, custody, child support, etc. and is well respected by members of the bar and the community. However, he has had little to no experience with DJJ cases. While he has experience with DSS cases, it is also limited."

Mr. Madden is married to Cami Leigh Madden. He has two children.

Mr. Madden reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar. Member, House of Delegates (1990-2004)
- (b) Greenville County Bar Association
- (c) American Academy of Matrimonial Lawyers. Board of Governors (2014-2016), South Carolina Chapter President (2010-2012), Chapter Vice President (2008-2010), Chapter Secretary (2006-2008), and Chapter Treasurer (2004-2006)

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- (d) American Bar Association

Mr. Madden provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Compleat Lawyer Award, University of South Carolina Law School Alumni Association
- (b) Distinguished Service Award, Wofford College Alumni Association
- (c) Liberty Fellow
- (d) Westminster Presbyterian Church, Greenville, South Carolina. Previous service as Elder and Chair, Weekday School Committee.
- (e) Welvista, Columbia, South Carolina. Board of Directors, 2008-2014.
- (f) Upcountry History Museum, Greenville, South Carolina. Board of Directors, 2010-2013.
- (g) South Carolina Student Loan Corporation, Board of Directors, 2004-2007
- (h) Greenville Country Club

Mr. Madden further reported:

- (a) As referenced in response to question number 11 above, in my family law practice I represent clients in trials and appeals. This experience provides additional benefits which will be beneficial as a Family Court Judge. Some of these cases involved unique legal issues, including at least one case of first impression. By practicing at both levels of the court system I believe I developed a deeper understanding of how to build a proper record at the trial level, and the importance of properly drafted orders. The significant family law appeals in which I served as counsel of record are:
 - (1) Conits v. Conits, 417 S.C. 127, 789 S.E.2d 51 (Ct. App. 2016), cert. granted, decision rev'd, 421 S.C. 391, 807 S.E.2d 695 (2017), opinion withdrawn and superseded on denial of reh'g, 422 S.C. 74, 810 S.E.2d 253 (2018), and cert. granted, decision rev'd, 422 S.C. 74, 810 S.E.2d 253 (2018), and Op. No. 2018-UP-185, 2018 WL 2058196 (S.C. Ct. App. May 2, 2018)
 - (2) Moore v. Moore, 414 S.C. 490, 779 S.E.2d 533 (2015), and subsequent appeal, Moore v. Moore, Op.

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No. 2019-UP-208, 2019 WL 2372477 (S.C. Ct. App. June 5, 2019)

- (3) Wilburn v. Wilburn, 403 S.C. 372, 743 S.E.2d 734 (2013).
- (4) Dickert v. Dickert, 387 S.C. 1, 691 S.E.2d 448 (2010)
- (5) Gilfillin v. Gilfillin, 334 S.C. 213, 512 S.E.2d 534 (Ct. App. 1999), rev'd, 344 S.C. 407, 544 S.E.2d 829 (2001).
- (6) Gaffney v. Gaffney, 401 S.C. 216, 736 S.E.2d 683 (Ct. App. 2012)
- (7) Myers v. Myers, 391 S.C. 308, 705 S.E.2d 86 (Ct. App. 2011)
- (8) LaFrance v. LaFrance, 370 S.C. 622, 636 S.E.2d 3 (Ct. App. 2006)
- (9) Powell v. Powell, Op. No. 2005-UP-595, 2005 WL 7084864 (S.C. Ct. App. Nov. 21, 2005), rev'd, Op. No. 2008-MO-038, 2008 WL 9881746 (S.C. Sept. 8, 2008)
- (10) Greene v. Greene, 351 S.C. 329, 569 S.E.2d 393 (Ct. App. 2002) (I was not trial counsel)
- (11) Kisling v. Allison, 343 S.C. 674, 541 S.E.2d 273 (Ct. App. 2001)
- (12) Wheeler v. Gill, 307 S.C. 94, 413 S.E.2d 860 (Ct. App. 1992)
- (13) Pirkle v. Pirkle, 303 S.C. 266, 399 S.E.2d 797 (Ct. App. 1990)
- (b) My work in a small firm and a large firm gives me appreciation for the demands and stressors placed on all lawyers. I understand what is required of a solo practitioner and small firm lawyer to meet overhead and make a payroll, and manage the daily stress of client relationships. I appreciate the pressure on lawyers in larger firms to be a producer and meet firm-required goals. This background will help me be patient and understanding in addressing administrative issues.
- (c) For a few years, I served as a volunteer prosecutor of domestic violence crimes in a program created by the South Carolina Attorney General. In addition to refreshing my knowledge of some aspects of criminal law, this role provided insight into the challenges faced by law enforcement in domestic disturbances.

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- (d) From time to time, in addition to my law practice, I took financial risks by investing in a few closely-held businesses (none of which remain active today). I gained an appreciation for the challenges faced by those who open and operate a business. Although I rarely made any money from these ventures, being a part of them helps me understand and appreciate the same struggles and benefits experienced by many Family Court litigants who operate small businesses.
- (e) As one of the original members of the South Carolina Education Lottery Commission, and as Chair of this Commission for ten years, I gained a working knowledge of a billion-dollar a year business from its infancy to successful maturity. I learned both how to organize and launch a large-scale business enterprise, and how to set and guide policy for this organization, all within the confines of the statutory authority created by the General Assembly. The business aspects of this experience will be valuable in understanding issues presented in the Family Court. The policy and administrative aspects of this experience will be beneficial in working with Court Administration and the transition from the private sector to government service.
- (f) Every year I gave a part of my time and experience to those who could not afford to pay me. By spending time with those who do not have the resources to fight, I was constantly reminded of the tremendous impact any case – but particularly one in Family Court – has on the litigants. As a result of this pro bono work, I will always bear in mind that no matter the legal significance (or lack thereof) of the issue which is in dispute in any given case, the practical and personal importance of the issue, and the day in court to those litigants is paramount.

(11) Commission Members' Comments:

The Commission commented that Mr. Madden's keen interest in public service and exceptional wealth of experience and knowledge make him eminently qualified to serve on the bench.

(12) Conclusion:

The Commission found Mr. Madden qualified, and nominated him for election to Family Court, At-Large, Seat 2.

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**Rebecca West
Family Court, At-Large, Seat 2**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. West meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. West was born in 1975. She is 44 years old and a resident of Lexington, South Carolina. Ms. West provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. West.

Ms. West demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. West reported that she has not made any campaign expenditures.

Ms. West testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. West testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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- (3) Professional and Academic Ability:
The Commission found Ms. West to be intelligent and knowledgeable.

Ms. West reported that she has taught the following law-related courses:

- (a) Family Law Essentials, Effective Use of Discovery and Subpoenas in Domestic Litigation; Temporary Hearings: Meeting Your Client to Prepare, Sample Hearing, Q&A Session with Attorneys and Judge
August 11, 2017
SC Bar CLE
Presented materials and participated in mock Family Court temporary hearing.
- (b) Family Law Essentials, Organizing and Presenting Your Case
March 21, 2014
SC Bar CLE
Authored and presented materials
- (c) Family Law Seminar, Just When You Thought It Was Over: Appellate Practice in South Carolina
August 4, 2016
South Carolina Association for Justice Annual Convention
Authored and presented materials
- (d) Hot Tips for the Coolest Domestic Law Practitioners, Grandparent Visitation
September 16, 2011
SC Bar CLE
Authored and presented materials
- (e) Non-parent Rights to Children
March 2011
SC Bar CLE—Distance Learning
Authored materials and presented
- (f) “What is your Expert Giving You?” Deposing Psychiatric and Psychological Professionals
March 2007
SC Bar CLE
Authored and presented materials

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(4) Character:

The Commission's investigation of Ms. West did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. West did not indicate any evidence of a troubled financial status. Ms. West has handled her financial affairs responsibly.

The Commission also noted that Ms. West was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. West reported that her rating by a legal rating organization, Super Lawyers, is Top Rated.

Ms. West reported that she has not served in the military.

Ms. West reported that she has never held public office.

(6) Physical Health:

Ms. West appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. West appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. West was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

(a) Oswald Law Firm, LLC

West Columbia, South Carolina

November 2000-May 2004

I worked as a law clerk for this general practice firm during my final year of law school and joined the firm after graduation. I represented clients in personal injury actions, workers' compensation claims, Family Court actions,

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Probate Court and the Federal Bankruptcy Court. I was sole trial counsel in many cases in the Court Of Common Pleas, Magistrate's Court and Family Court. I also regularly represented claimants before the South Carolina Workers' Compensation Commission. I was not involved with the administrative or financial management of this firm.

(b) Masella Law Firm, P.A.

Columbia, South Carolina

June 2004-June 2009

I was initially hired as an associate and became a partner in the firm in approximately 2008. Upon joining the firm, I immediately focused my practice on family law and transitioned away from my common pleas and bankruptcy practice. I ended my association with the firm upon receiving an offer to practice family law in Lexington, South Carolina. I was not involved with the administrative or financial management of this firm.

(c) Law Office of Richard Breibart, LLC

Lexington, South Carolina

July 1, 2009-May 31, 2012

I practiced solely in the Family Court during my time with the firm. During my time with this firm I began handling Family Court appeals and practicing in the South Carolina Court of Appeals. I served as the family law group supervising attorney and was an employee of this firm. I supervised as many as three family law attorneys and three staff members. I resigned my position upon learning of Mr. Breibart's criminal activities. The firm dissolved upon Mr. Breibart's suspension from the practice on June 1, 2012. I was not involved with the administrative or financial management of this firm.

(d) Rebecca West, Attorney at Law, P.A.

Lexington, South Carolina

Formed May 31, 2012; Dissolved April 5, 2013

I formed this entity immediately upon resigning from the Breibart firm. I practiced for approximately one week under this firm name. I stopped practicing under this firm name upon becoming partners with Jonathan Harling and forming my current firm, Harling & West, LLC. I was the sole administrative and financial manager of this firm and I managed and oversaw the trust account.

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- (e) Harling & West, LLC
Lexington, South Carolina
June 7, 2012-present

My practice is dedicated solely to family law. I primarily represent Family Court litigants and I continue to practice in the South Carolina appellate courts. I also have a family law mediation practice and I currently mediate several times each month. My partner is Jonathan Harling. I am the administrative and financial manager of our firm and I manage and oversee the family law trust account.

Ms. West reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None
(b) State: I typically appear in Family Court more than five times each month and I have done so for the past five years.

Ms. West reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 0%
(b) Criminal: 0%
(c) Domestic: 100%
(d) Other: 0%

Ms. West reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%
(b) Non-jury: 100%

Ms. West provided that during the past five years she most often served as sole counsel.

The following is Ms. West's account of her five most significant litigated matters:

- (a) McComb v. Conard
394 S.C.416, 715 S.E.2d 662 (Ct.App. 2011)

The successful trial of this case was a significant accomplishment in my legal career. I was sole trial counsel for an un-wed mother who sought to relocate to Florida with her child over the father's objection. Both parents were college

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students when they had their daughter. They chose not to marry, but shared in the child's upbringing. Father eventually moved near Charlotte for work, but maintained a home in Columbia. Neither party filed for custody until Mother indicated that she wanted to move to Florida upon graduation. Mother prevailed at trial and was permitted to relocate to Florida with the child. The South Carolina Court of Appeals upheld the Family Court's award of joint custody and permission for my client to relocate with the child. This was one of the first cases where the appellate court applied the Latimer relocation factors to an initial custody determination. Father benefitted from a trust valued in excess of \$1,000,000.00. This case was significant for me for several reasons. The parties had a substantial income disparity and we were forced to build our case using modest resources. This case involved a psychological expert, extensive discovery, an experienced opposing attorney and a multi-day trial.

(b) Sanderson v. Sanderson

391 S.C. 249, 705 S.E.2d 65 (Ct.App. 2010)

I was appellate counsel for Mr. Sanderson. I was not involved in the trial of the underlying case. Mr. Sanderson lost his job due to a force reduction during divorce litigation. The trial court imputed substantial income to Mr. Sanderson and set alimony and child support based on the imputed wage. I successfully challenged the amount of the imputed wage. The South Carolina Court of Appeals reversed and remanded the case to the Family Court. I continued my representation on remand and was successful in reducing the imputed annual wage from \$64,000.00 to \$15,072.00. I did not have the advantage of having tried the divorce case and several issues had not been preserved for appeal by trial counsel. This case was significant because, despite the significant limitations of the record, I was able to obtain substantial financial relief for my client.

(c) Montgomery v. Montgomery

Op. No. 2019 MO 027 (S.C.Sup.Ct. filed May 29, 2019)

I am appellate counsel for Mrs. Montgomery. My client is the Respondent in Mr. Montgomery's appeal of a Family Court temporary order. My role in this case began when Mr. Montgomery filed a Petition for Writ of Supersedeas seeking a stay of the Family Court's temporary order requiring him to submit to a specific psychological test. Mr. Montgomery argued that the Family Court's temporary order was unconstitutional. The Writ was granted over my client's objection and portions of

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the temporary order were stayed pending appeal. Soon after the Writ was granted by the South Carolina Court of Appeals, the case was certified for review by the South Carolina Supreme Court. I was solely responsible for drafting the lengthy brief, drafting responses to two highly contested motions filed by the Appellant, arguing the case before the South Carolina Supreme Court and filing a post-hearing motion. I succeeded in defeating the two motions filed by the Appellant. My representation of Mrs. Montgomery was successful and Mr. Montgomery's appeal was dismissed. The case was remanded to the Family Court with specific instructions from the Supreme Court. This case was significant because it involved a highly contested issue of great importance to Family Court practitioners. I found the issues involved in this case to be difficult and interesting. The subject of the appeal required me to expand my understanding of an area of the law that is not typically contested in divorce litigation.

(d) Mrs. W v. Mr. W

In 2011, I was retained by a wife who suspected that her husband was committing adultery. Husband operated a successful government contract procurement business and the couple had a net worth of more than \$7,000,000.00. I was able to prove adultery after a lengthy out-of-state investigation. Late in the litigation, husband challenged the tax treatment of the support payments he was making to wife and I successfully defended the motion which confirmed that the payments were non-taxable to my client. I employed a certified public accountant and certified valuation analyst to value husband's business and analyze wife's need for alimony. A consulting CPA attended mediation to assist me in analyzing the tax consequences of property division scenarios and support arrangements. This case was significant because of the size of the marital estate, the tax issues and the business valuation. In addition to the property division, I negotiated an alimony award of \$8,500.00 per month for my client and full reimbursement of her attorney fees and costs.

(e) Mrs B v. Mr. B

I represented Mrs. B in a highly contested divorce that involved a fault ground of divorce, an initial custody determination, my client's request to relocate with the child to her home state of California and whether certain assets and debt was marital or non-marital in nature. I was sole trial counsel for Mrs. B. Discovery was extensive and I took more than twelve

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depositions of lay and expert witnesses. A guardian ad litem conducted an extensive investigation. After a four day trial where seventeen witnesses testified, three of whom were experts, I succeeded in achieving my client's goal of obtaining sole custody and relocating to California where her extended family lived. I also prevailed on the property issues and my client received a substantial fee award. This case is significant because of the volume of discovery involved and the wide range of issues I had to be prepared to successfully litigate.

The following is Ms. West's account of five civil appeals she has personally handled:

- (a) McComb v. Conard, 394 S.C. 416, 715 S.E.2d 662 (Ct. App. 2011)
- (b) Sanderson v. Sanderson, 391 S.C. 249, 705 S.E. 2d 65 (Ct. App. 2010)
- (c) Montgomery v. Montgomery, Op. No. 2019 MO 027 (S.C.Sup.Ct. filed May 29, 2019)
- (d) Gordon v. Gordon, Op. No. 2017 UP 276 (Ct.App. filed July 5, 2017)
- (e) Boyce v. Nelson, Op. No. 2015 UP 420 (Ct.App. filed August 12, 2015)

Ms. West reported that she has not personally handled any criminal appeals.

Ms. West further reported the following regarding unsuccessful candidacies:

Yes. I was a candidate for Family Court Judge, Eleventh Judicial Circuit, Seat 1 in the Spring of 2014. I was found qualified and nominated. I withdrew from the race on May 15, 2014.

(9) Judicial Temperament:

The Commission believes that Ms. West's temperament would be excellent.

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(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Ms. West to be “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and “Well Qualified” in the evaluative criteria of ethical fitness, professional, and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, “Lots of experience with excellent qualifications.”

Ms. West is married to Matthew Timothy Page. She has two children.

Ms. West reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association (2000-present);
- (b) Fellow, American Academy of Matrimonial Lawyers (2015-present);
- (c) Certified Family Court Mediator (2006-present);
- (d) South Carolina Bar Continuing Education Committee (2007-2008);
- (e) Lexington County Bar Association (Member 2012-present; President 2014);
- (f) South Carolina Association for Justice (2014-present);
- (g) American Bar Association, Family Law Section (2012-present);
- (h) South Carolina Woman Lawyers Association (2012-present); and
- (i) South Carolina Bar House of Delegates (Delegate, Eleventh Judicial Circuit 2018-present).

Ms. West provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) School Improvement Council, River Bluff High School (2018-present);
- (b) Secretary, River Bluff High School Choral Booster Club (2018-2019); and
- (c) The Leukemia & Lymphoma Society Man & Woman of the Year Campaign Leadership Committee (Chair 2018-2019; Member 2017-2018).

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Ms. West further reported:

The sudden loss of my mother to injuries sustained in an automobile accident was an event that shaped my temperament and personality. When I was six years old, my father began raising my younger brother and me on his own. We were taught to be independent and to persevere. My father managed to provide us with stability despite the devastation we all experienced. When my father remarried, we formed a new family that proved to be as loving and stable as my first family. I have never considered my mother a “step” mother, but rather my “second” mother. She raised me as her own and modeled for me an exceptional work ethic. She taught me how to have a successful career and simultaneously provide a nurturing home for my children.

Because of these experiences, I developed the desire to work hard and I learned how to be calm and resilient when faced with difficult circumstances. These personality traits have served me well in my law practice and will undoubtedly be an asset to me if I am elected to serve in the judiciary.

- (11) Commission Members’ Comments:
The Commission commented that Mrs. West has vast experience in the Family Court, and is well regarded by her peers.
- (12) Conclusion:
The Commission found Ms. West qualified, and nominated her for election to Family Court, At-Large, Seat 2.

**ADMINISTRATIVE LAW COURT
QUALIFIED AND NOMINATED**

**The Honorable Harold W. (Bill) Funderburk
Administrative Law Court, Seat 3**

Commission’s Findings: QUALIFIED AND NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission’s investigation, Judge Funderburk meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Funderburk was born in 1949. He is 70 years old and a resident of Camden, South Carolina. Judge Funderburk provided

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in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1985.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Funderburk.

Judge Funderburk demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Funderburk reported that he has not made any campaign expenditures.

Judge Funderburk testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Funderburk testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Funderburk to be intelligent and knowledgeable.

Judge Funderburk reported that he has taught the following law-related courses:

- (a) I have presented on the ethical dangers of social media to the National Association of Unemployment Appellate Boards Annual Conference, 2010.
- (b) I have made presentations on South Carolina Unemployment Law and Practice at various CLE seminars and to employer groups.
- (c) I have participated in and led panels on employee/independent contractor issues and law at

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annual conferences of the National Association of Unemployment Appellate Boards.

- (d) Recently I have taught classes in fiction for the University of South Carolina in which I chose literature dealing with the idea of justice and the operation of law in society.

Judge Funderburk reported that he has published the following:

"Independent Contractors, Temporary Workers: More Myth than Reality," South Carolina Lawyer, 11 (January/February 2000): 15–19.

"Dracula and Vlad Tepes: Fictional and Historical Discontinuities in Character," 1 Journal of American Romanian Christian Literary Studies 116 (1980).

Ambition and Monomania: A Study of Moral Degeneration in the Plays of Christopher Marlowe, Dissertation: University of South Carolina, 1978.

- (4) Character:

The Commission's investigation of Judge Funderburk did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Funderburk did not indicate any evidence of a troubled financial status. Judge Funderburk has handled his financial affairs responsibly.

The Commission also noted that Judge Funderburk was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

- (5) Reputation:

Judge Funderburk reported that his last available rating by a legal rating organization, Martin-Hubbell, was BV Distinguished. 4.4 out of 5.

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Judge Funderburk reported the following military service:
Commissioned June 6, 1970; Active Duty, Sept. 1973-Dec.
1973, US. Army, Captain; Honorable Discharge, 21 August
1985 (Discharge Certificate Attached; DD214 not available.)

Judge Funderburk reported that he has never held public office
other than judicial office.

- (6) Physical Health:
Judge Funderburk appears to be physically capable of
performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Funderburk appears to be mentally capable of performing
the duties of the office he seeks.
- (8) Experience:
Judge Funderburk was admitted to the South Carolina Bar in
1985.

He gave the following account of his legal experience since
graduation from law school:

1985-1987	Staff Attorney, S.C. Supreme Court
1987-1988	Associate Attorney, Harvey and Battey, P.A., Beaufort, S.C.
1988-1995	Staff Attorney, S.C. Employment Security Commission
1995-2010	General Counsel, S.C. Employment Security Commission, Dept. of Employment and Workforce
2012-2014	Semi-Retired, Represented guardians for GAL Office in Kershaw County
2014-2015	Municipal Judge, Camden, S.C.
2015-Current	Judge, S.C. Administrative Law Court

Judge Funderburk provided that during the past five years prior
to his service on the bench he most often served as co-counsel.

Judge Funderburk reported that he has held the following
judicial office(s):

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2014-2015 Municipal Judge (Elected by City Counsel) The court's jurisdiction was limited to Criminal Misdemeanors in the City limits.

2015- Judge (Elected by Legislature) The general jurisdiction is civil cases arising from State Agency decisions. Some are contested cases; others are appeals, depending on the decision process in the agency involved.

Judge Funderburk reported no other employment while serving as a judge:

- (9) Judicial Temperament:
The Commission believes that Judge Funderburk's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Funderburk to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, physical health and mental stability. The Committee also stated, "Very intelligent - Excellent qualifications!"

Judge Funderburk is married to Laurie Slade Funderburk. He has four children.

Judge Funderburk reported that he was a member of the following bar and professional associations:

South Carolina Bar (Served on Publications sub-committee 1992-94).

Judge Funderburk provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Lyttleton Street United Methodist Church, Finance Committee, 2018-Present
- (b) Kershaw County Library Board of Trustees, 2011–2019, Secretary. I received a plaque, as did two others, when our terms ended.

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- (c) Kershaw County Historical Society, Board of Trustees, 2006-2018
- (d) Congaree Land Trust, Board of Trustees, 2013-2018

Judge Funderburk further reported:

The variety of what I have done and the jobs I have held brought me into contact with all kinds of people. These experiences have made me sensitive to the struggles people have and the difficulty some have in communicating with others. I have also been fortunate to have learned from some very bright teachers and to have worked with individuals who cared deeply about their jobs, the organizations that employed us and the people they served. I hope to continue to bring the skills I have learned and the insights as well as the examples of dedication and professionalism to which I have been exposed to my work. I understand the value of hard work and diligence. It is also important to be an active listener and to treat those who come into a courtroom with civility and respect. The best judges I have seen combine those characteristics with a humanity so genuine that even those ruled against know that they have been heard and understood. My goal is to earn that respect for both myself and the court system I represent.

- (11) Commission Members' Comments:
The Commission commented that Judge Funderburk's tenure at the Administrative Law Court has been exemplary, and that his continued service on the bench will be an asset to the state.
- (12) Conclusion:
The Commission found Judge Funderburk qualified, and nominated him for re-election to Administrative Law Court, Seat 3.

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**The Honorable Deborah Brooks Durden
Administrative Law Court, Seat 4**

Commission's Findings: QUALIFIED AND NOMINATED

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Durden meets the qualifications prescribed by law for judicial service as an Administrative Law Court judge.

Judge Durden was born in 1961. She is 58 years old and a resident of Columbia, South Carolina. Judge Durden provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1992. She was also admitted to the Alaska Bar in 1993.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Durden.

Judge Durden demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Durden reported that she has not made any campaign expenditures.

Judge Durden testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Durden testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Judge Durden to be intelligent and knowledgeable.

Judge Durden reported that she has taught the following law-related courses:

- (a) I lectured at the SC Bar “Bridge the Gap” programs for new lawyers giving an overview of practice before the Administrative Law Court from 2011-2016.
- (b) I made presentations on the topics of accommodation taxes and bankruptcy sales in property valuation to judges attending the 2012 National Conference of State Tax Judges.
- (c) I made a presentation on the topic of personal property valuation litigation to the 2010 Academy for County Auditors, Treasurers and Tax Collectors.
- (d) I taught training sessions for SCDOT staff on the effect of S.C. Act 114 of 2007 which restructured the agency.
- (e) I lectured at a SC Bar Government Law Section CLE concerning state legislative action related to eminent domain law.
- (f) I lectured at a CLE hosted by the International Eminent Domain Institute on the topic of relocation assistance benefits, and how newly promulgated federal regulations would affect those benefits in the future.
- (g) I taught a segment of a CLE for attorneys who handle condemnation cases for SCDOT explaining relocation assistance benefits available for landowners and displacees and the interplay between those benefits and just compensation payments made in condemnation litigation.
- (h) I taught a segment of a CLE for attorneys who handle SCDOT condemnation cases for SCDOT on the subject of FOIA and Discovery Requests and strategies for avoiding surprise at trial.

Judge Durden reported that she has not published any books or articles.

(4) Character:

The Commission’s investigation of Judge Durden did not reveal evidence of any founded grievances or criminal allegations made against her.

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The Commission's investigation of Judge Durden did not indicate any evidence of a troubled financial status. Judge Durden has handled her financial affairs responsibly.

The Commission also noted that Judge Durden was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Judge Durden reported that she is not rated by any legal rating organization.

Judge Durden reported that she has not served in the military.

Judge Durden reported that she has never held public office other than judicial office.

- (6) Physical Health:
Judge Durden appears to be physically capable of performing the duties of the office she seeks.

- (7) Mental Stability:
Judge Durden appears to be mentally capable of performing the duties of the office she seeks.

- (8) Experience:
Judge Durden was admitted to the South Carolina Bar in 1992.

She gave the following account of her legal experience since graduation from law school:

(a) 1991-1992 -- Judicial Law Clerk
After graduation from USC law school and sitting for the South Carolina bar exam, I moved to Anchorage, Alaska where I served as law clerk to Alaska Superior Court Judge Karen Hunt from August 1991 to September 1992. Judge Hunt handled complex civil litigation and I performed legal research related to those cases and wrote memoranda of law and proposed orders on all motions to dismiss and motions for summary judgment. I also evaluated motions for injunctive relief filed with the court.

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I served as law clerk to Alaska Superior Court Judge John Reese from December 1992 to April 1993 handling family court matters. I reviewed motions filed with the court and recommended action on those motions. During this time I studied for the Alaska Bar exam and took that exam in January, 1993.

(b) 1993-1997 -- Private Practice

In April 1993 I became an associate at Faulkner, Banfield, Doogan and Holmes' Anchorage office. Faulkner Banfield was a large firm with offices in Juneau, Fairbanks and Anchorage, Alaska representing primarily business clients. During my association with the firm I worked on Workers Compensation matters, professional liability cases, and tort cases. Approximately 50% of the cases I worked on were in the Federal District Court. I also successfully argued an appeal of a constitutional issue before the Alaska Supreme Court.

In 1994 my husband's service commitment to the U.S. Air Force ended and I left Faulkner Banfield so that he and I could move to South Carolina. I became an Associate at Gergel, Nickles & Grant. During my association with the firm from 1994 to 1997, I represented teachers and other employees in employment matters and worked on motions and discovery in tort claims cases, Fair Labor Standards Act cases, and other civil litigation.

(c) 1997-2009 -- Government Service

In August, 1997 I accepted a position as Assistant Chief Counsel at the South Carolina Department of Transportation. While at SCDOT I handled a wide variety of legal matters including condemnation cases, contract matters, legislative issues, environmental matters, and administrative law. I handled contested cases at the Administrative Law Court for the department concerning environmental permits, the payment of relocation assistance benefits, and the certification of Disadvantaged Business Enterprises. I drafted and promulgated agency regulations. I counseled agency staff and associate counsel on condemnation and real estate law. My responsibilities at SCDOT also involved reviewing and analyzing legislation pending at the state legislature, drafting

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proposed legislation and amendments, and providing testimony before legislative subcommittees.

(d) 2009-Present -- Administrative Law Judge

Since February 2009 I have served as a judge on the South Carolina Administrative Law Court.

Judge Durden reported she has not personally handled any civil or criminal appeals.

Judge Durden reported that she has held the following judicial office(s):

From February 2009 to the present I have served as a Judge on the South Carolina Administrative Law Court. The Administrative Law Court has jurisdiction over contested cases, appeals of administrative agency decisions, regulation hearings, and certain petitions for injunctive relief. The jurisdiction of the Court is created by South Carolina statutes, most notably the Administrative Procedures Act. Judges are elected by the South Carolina General Assembly. The Court's jurisdiction is limited to those matters delineated by statute. The Court may consider the constitutionality of a statute or regulation only with respect to how that statute or regulation was applied in the matter at hand.

Judge Durden provided the following list of her most significant orders or opinions:

- (a) Emerson Electric Co. and Affiliates v. S.C. Department of Revenue, (Docket No. 08-ALJ-71-0351) not reported; affirmed by S.C. Supreme Court at 395 S.C. 481, 719 SE 2d 650 (2011). Held allocation statute applies to nonresident corporation for interest expense deductions where no taxable dividend income was earned, and rejected as-applied constitutional claims.
- (b) Carolina Walk LLC and Serrus Carolina Walk, LLC v. Richland County Assessor, reported at 2012 WL 529413; affirmed in unpublished opinion of the S. C. Supreme Court at 2014 WL 2575405. Held purchase price was not an arms-length sale that could be used to establish fair market value of real property. More contemporaneous sales within the same development were more compelling evidence of the value of the subject properties.

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- (c) Cellular Sales of South Carolina, LLC v. S.C. Department of Employment and Workforce, reported at 3013 WL 173705; affirmed in unpublished opinion by S.C. Court of Appeals at 2014 WL 2586885. Held sales representative and others similarly situated were employees and not independent contractors.
- (d) Torrence v. S. C. Department of Corrections (docket No. 12-ALJ-04-0143-AP) not reported; Appeal to Court of Appeals dismissed as interlocutory in unreported decision. 2018 WL 6199185. Held the Department of Corrections must determine the prevailing wage for Prison Industries employment according to data collected by the Department of Employment and Workforce and remit difference in amounts paid to inmate. Held inmate serving a life sentence is entitled to designate persons or entities for distribution of escrowed wages.
- (e) Five Points Roost v. S.C. Department of Revenue reported at 2018 WL 1724696; Denied Liquor by the drink license where proposed business would strain law enforcement resources and is not primarily and substantially engaged in the preparation and serving of meals.

Judge Durden has reported no other employment while serving as a judge.

Judge Durden further reported the following regarding unsuccessful candidacies:

I ran, unsuccessfully, for a seat on the Administrative Law Court in 2006. I was found qualified and nominated by the Judicial Merit Selection Commission, but withdrew from the race prior to the election in the General Assembly.

- (9) Judicial Temperament:
The Commission believes that Judge Durden's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Midlands Citizens Committee on Judicial Qualifications found Judge Durden to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability,

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character, reputation, experience, and judicial temperament; and “Qualified” in the evaluative criteria of constitutional qualifications, physical health, and mental stability. The Committee also stated, “Excellent candidate!”

Judge Durden is married to Wiley Kevin Durden. She has three children.

Judge Durden reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) South Carolina Women Lawyers Association
- (c) Richland County Bar Association

Judge Durden provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations: Trenholm Road United Methodist Church, Hope Class President, Youth Core Team

- (11) Commission Members’ Comments:
The Commission noted that Judge Durden has an outstanding reputation as a jurist, and it appreciates her service on the Administrative Law Court.
- (12) Conclusion:
The Commission found Judge Durden qualified, and nominated her for re-election to Administrative Law Court, Seat 4.

QUALIFIED, BUT NOT NOMINATED

Erin E. Bailey
Circuit Court, At-Large, Seat 13

**Commission’s Findings: QUALIFIED, BUT NOT
NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission’s investigation, Ms. Bailey meets the qualifications prescribed by law for judicial service as a Circuit Court Judge.

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Ms. Bailey was born in 1980. She is 39 years old and a resident of Mt. Pleasant, South Carolina. Ms. Bailey provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Bailey.

Ms. Bailey demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Bailey reported that she has not made any campaign expenditures.

Ms. Bailey testified that she has not:

- (d) Sought or received the pledge of any legislator prior to screening;
- (e) Sought or been offered a conditional pledge of support by a legislator;
- (f) Asked third persons to contact members of the General Assembly prior to screening.

Ms. Bailey testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Bailey to be intelligent and knowledgeable.

Ms. Bailey reported that she has taught the following law-related courses:

- (a) Winter 2012-co-led a small group at the Prosecutors Bootcamp program, sponsored by the South Carolina Commission on Prosecution Coordination.

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- (b) February 5, 2016, Panel member for a round table discussion at the Criminal Law 101 seminar sponsored by the South Carolina Association of Criminal Defense Lawyers.
- (c) January 19, 2018, Course planner and moderator for Criminal Law Part 1 section of the South Carolina Bar Convention.
- (d) January 19, 2018, Course planner, moderator, and presenter for Criminal Law Part 2 section of the South Carolina Bar Convention. This section was both a continuing legal and continuing judicial education program. Presented on social media and its potential use and admissibility as evidence in the courtroom.
- (e) August 2018, Presented to the Family Court section of the South Carolina Association for Justice at their Annual Convention on Dealing with Family Court cases when there is a companion criminal case.
- (f) Volunteer coach of Mock Trial Competition Team at Academic Magnet High School, 2007-2008.
- (g) Volunteer speaker to Mock Trial Competition Team at Georgetown School for Arts and Sciences, 2018.

Ms. Bailey reported that she has not published any books and/or articles.

(4) Character:

The Commission's investigation of Ms. Bailey did not reveal evidence of any founded grievances of criminal allegations made against her.

The Commission's investigation of Ms. Bailey did not indicate any evidence of a troubled financial status. Ms. Bailey has handled her financial affairs responsibly.

The Commission also noted that Ms. Bailey was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

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(5) Reputation:

Ms. Bailey reported that she is rated by the following legal rating organizations:

- (a) Received the AV Preeminent rating from Martindale-Hubbell in 2012, and has maintained it every year since.
- (b) Invited to join the National Trial Lawyers 40 under 40 in the area of Criminal Defense in 2019.

Ms. Bailey reported that she has not served in the military.

Ms. Bailey reported that she has never held public office.

(6) Physical Health:

Ms. Bailey appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Bailey appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Bailey was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experiences since graduation from law school:

- (a) Temporary Law Clerk, Special Project, Administrative Law Court (September 2007-February 2008). I created materials for the general public describing the function and process of the Administrative law court.
- (b) Law Clerk, The Honorable Larry B. Hyman, Jr. (March 2008-August 2009). I served as Judge Hyman's first law clerk. I drafted jury charges and verdict forms for General Sessions and Common Pleas trials. I performed legal research for Common Pleas non-jury terms and legal issues as they arose in a variety of contexts. I reviewed motions for default judgement for sufficiency in documentation.
- (c) Assistant Solicitor, Fifteenth Circuit, Georgetown office (August 2009-August 2012). Handled a variety of General Sessions cases, including a wide range of issues ranging from DUI to Murder. My case load varied from 200-600 warrants at a time.

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- (d) Senior Assistant Solicitor, Fifteenth Circuit, Georgetown office (August 2012-March 2016). Continued to handle a full variety of General Sessions cases, also supervised other lawyers and their caseloads. Handled a variety of other matters for the office including probate commitment proceedings for incompetent defendants, civil forfeiture proceedings, and brief writing (including Horry County) when complex legal issues arose. In 2013, I earned the award for Prosecutor of the Year for the Fifteenth Circuit Solicitor's Office.
- (e) Owner and sole attorney, The Law Office of Erin E. Bailey LLC (March 2016-present). I handle a variety of private pay and appointed criminal cases in the magistrate, municipal, and General Sessions courts. I contract with the South Carolina Commission on Indigent Defense to provide conflict representation to indigent clients in Georgetown County. I contract with the Georgetown County Public Defender to provide representation to indigent clients. I contract with the City of Georgetown to provide representation to indigent clients in the municipal court. I represent clients in injury claims including automobile collisions and premises liability. I represent clients in the Court of Common Pleas in civil forfeiture cases and general litigation. I represent clients in small business disputes. I represent a Homeowners Association in filing liens, collecting dues, and updating Covenants and Restrictions. I serve as a guardian ad litem in the Probate Court and have represented clients in involuntary commitment proceedings in the Probate Court. I draft and execute simple wills and other end of life documents. I have litigated an appeal arising out of a civil forfeiture matter. I am currently litigating a criminal appeal. I represent clients in Post-Conviction Relief hearings in the Court of Common Pleas. I recently hired an associate to assist me in all of these matters. I am solely responsible for the administrative and financial management of this firm, including the trust account.

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Ms. Bailey further reported regarding her experience with criminal and civil matters:

In General Sessions Court, I have litigated cases from start to finish as both a prosecutor and defense attorney, having handled thousands of warrants, ranging from Driving Under the Influence and property crimes to Murder. I have been sole counsel in twenty-two jury trials in General Sessions and lead counsel in one jury trial in General Sessions Court. I have assisted in over thirty other trials as a Senior Assistant Solicitor. As a prosecutor, I handled fourteen murder charges, three of which required a trial; eleven resulted in a guilty plea. All three murder trials resulted in a conviction. As a Defense Attorney, I have handled three additional murder charges, two of them resulting in a plea, and one of them in a trial, with a not-guilty verdict. I currently have three pending murder cases. I have also litigated nearly every type of crime for both sides, including but not limited to: white-collar crimes, felony driving under the influence, sexual assault of both minors and adults, property crimes, armed robbery, home invasions, and embezzlement. As a prosecutor, I appeared before a Circuit Court Judge at least five days every month. As a defense attorney, I appear before a Circuit Judge at least one day every month. I also regularly appear in magistrate and municipal courts in multiple jurisdictions in South Carolina. I have tried six cases before juries in the lower courts.

As Judge Hyman's law clerk, I became well versed in the minimum and maximum sentences under South Carolina law. I also drafted jury charges and verdict forms for thirty-seven terms of General Sessions Court in eight different counties.

In Common Pleas Court, I handled a civil forfeiture on behalf of the Solicitor's office that resulted in a bench trial. I have represented one Defendant in a civil forfeiture action, which is currently pending, and have argued a motion before a Circuit Court Judge in that case. I represented a client who was a Defendant in Common Pleas Court in a Claim and Delivery action, argued motions in that case before a Circuit Court Judge, and represented my clients at a six hour

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mediation that successfully resolved the case. I represented a client at a Post-Conviction Relief bench trial in Common Pleas Court before a Circuit Court Judge.

I have represented plaintiffs who have been injured as a result of negligent premise owners and automobile collisions in their claims with insurance companies.

I became a Certified Circuit Court mediator in 2016. In that capacity, I mediated one case involving an automobile collision. My practice has grown since that time, and in 2018, I let my certification lapse so that I could focus on my caseload.

As Judge Hyman's law clerk, I assisted with legal research and order preparation for eleven terms of Common Pleas Non-Jury Court. I also assisted with legal research, drafted jury charges and verdict forms, and observed fourteen terms of Common Pleas Court, resulting in three jury trials and numerous bench trials and damages hearings.

Ms. Bailey reported the frequency of her court appearances during the last five years as follows:

- (a) Federal: 0%
- (b) State: 100%

Ms. Bailey reported the percentage of her practice involving civil, criminal, domestic and other matters during the last five years as follows:

- (a) Civil: 25%
- (b) Criminal: 70%
- (c) Domestic: 0%
- (d) Other: 5%

Ms. Bailey reported the percentage of her practice in trial court during the last five years as follows:

- (a) Jury: 15%
- (b) Non-jury: 85%

Ms. Bailey provided that she most often served as sole counsel.

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The following is Ms. Bailey's account of her five most significant litigated matters:

- (a) State v. Deterris Bellamy, 2015-GS-26-0250, 2016-GS-26-00343 (S.C. Cir. Ct. Feb. 15, 2018). I served as sole counsel for the Defendant at this murder trial in Horry County. The trial lasted 4 days. I successfully argued a Batson Motion, requiring that the jury be re-drawn. I successfully argued a Jackson v. Denmo motion, requiring that portions of my client's statements be excluded. I secured a not guilty verdict for my client.
- (b) State v. Terron Dizzley, 2009-GS-22-00778 (S.C. Cir. Ct. Apr. 3, 2014). I served as sole counsel at this murder trial for the state. The trial lasted 5 days. This was the second murder trial on this charge for Mr. Dizzley. The first trial was handled by the then Deputy Solicitor, and resulted in a mistrial due to a hung jury. The Deputy Solicitor was then promoted to Chief Deputy for the Circuit, and I was assigned the case for a re-trial. I started from scratch in my preparation, investigation, and trial strategy. In this second trial, Mr. Dizzley was convicted of Murder. As sole counsel in this case I handled over twenty witnesses and admitted over 350 pieces of evidence. Mr. Dizzley is currently serving a 35 year sentence.
- (c) State v. Rondell Carter, 2009-GS-22-00557, 2009-GS-22-00556, 2009-GS-22-00560, 2009-GS-22-00561, 2011-GS-22-00645 (S.C. Cir. Ct. Jun. 29, 2011), aff'd State v. Rondell Carter, Op. No. 2013-UP-157 (S.C. Ct. App. Filed April 17, 2013). I served as sole counsel for the State in this trial for Armed Robbery, Burglary, Assault with Intent to Kill, and Kidnapping. Mr. Carter, along with three other co-defendants were accused of breaking into an occupied home, shooting a woman in the leg, and holding the residents hostage for over twelve hours. Mr. Carter had a previous conviction for Manslaughter, so as an agent of the state, I sought a sentence of Life Without Parole under our state's "two strikes" law. Mr. Carter was convicted after a 3 day jury trial and is serving a sentence of Life Without Parole.
- (d) State v. Tamar Bryant, 2011-GS-22-00495 (S.C. Cir. Ct. Mar. 13, 2013), aff'd State v. Tamar Bryant, Op. No. 2014-UP-440 (S.C. Ct. App. Filed Dec. 3, 2014). I served as sole

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counsel for the State in this trial for Murder. Mr. Bryant, along with four co-defendants, was accused of a murder at a nightclub in the Plantersville community of Georgetown County. After a three day trial, Mr. Bryant was convicted of murder, and is currently serving a 35 year sentence.

- (e) State v. Eric Perry, 2017-GS-22-01104, 2017-GS-22-01105 (S.C. Cir. Ct. July 22, 2019). I served as sole counsel for the Defendant in this Murder and Arson case. This was a very high profile case as it involved the live streaming of a boat chase in Murrels Inlet, and the murder of the owner of a popular bait and tackle shop. Mr. Perry was accused of murdering his ex-wife and the mother of his children and attempting to burn down the bait and tackle shop. The details of the case were such that the State considered seeking the death penalty. I negotiated a sentence of 45 years on the charges of Arson and Murder for this client.

The following is Ms. Bailey's account of a civil appeal that she has personally handled:

Jimmy Richardson v. Michael Hatten, 2018-UP-316 (S.C. Ct. App. July, 11, 2018).

The following is Ms. Bailey's account of a criminal appeal that she has personally handled:

The State v. Daemon M. Crim, 2018-001915 (S.C. Ct. App. Pending).

- (9) Judicial Temperament:

The Commission believes that Ms. Bailey's temperament would be excellent.

- (10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications reported that Ms. Bailey is "Well Qualified" in the evaluative criteria of ethical fitness, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, and mental stability. The committee also stated, "Qualified-could benefit from more civil experience."

Ms. Bailey is married to David Hoyle. She has three children.

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Ms. Bailey provided that she was a member of the following bar associations and professional associations:

- (a) South Carolina Bar Association, Member (2007-present); Member, House of Delegates, representing the Fifteenth Circuit (2010); Secretary, Criminal Law Council (2014-2015), Vice-Chair, Criminal Law Council (2015-2016), Chair-Elect, Criminal Law Council (2016-2017), Chair, Criminal Law Council (2017-2018), Immediate Past Chair, Criminal Law Council (2018-2019).
- (b) Georgetown County Bar Association, Member (2009-present).
- (c) South Carolina Association of Criminal Defense Lawyers, Member (2016-present).
- (d) South Carolina Association for Justice, Member (2016-present).
- (e) South Carolina Women Lawyers Association, Member (2009-present).
- (f) Council of Parent Attorneys and Advocates, Member (2016-Present).

Ms. Bailey provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) St. Stephen's Episcopal Church. Member, 2008-present. Chair, Rector Search Committee, 2016-2017. Vestry Member, 2009-2011.
- (b) The Episcopal Church in South Carolina. Member, Standing Committee, 2013-2016. Member, Constitutions and Canons Committee, 2018-Present.

Ms. Bailey further reported:

While I live in North Mount Pleasant, my intention is to keep this At-Large seat in the Fifteenth Circuit, if elected. The Fifteenth Circuit, which contains the Grand Strand, needs to have three Judges available to continue to meet the needs of two very busy courthouses. If elected, I would maintain my chambers in the Fifteenth Circuit, which is where I have practiced my entire career.

I grew up middle class. I worked and borrowed my way through my undergraduate degree and law school. I have held a job since

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I was 16 years old. Every bit of success I have achieved in my career I owe to hard work and my deep, abiding faith in God.

I spent my formative intellectual years as a competitive debater. In fact, after debating for all four years of high school, and winning the North Carolina state championship in policy debate, I was recruited to debate for the University of South Carolina, and awarded a scholarship. While an undergraduate at the University of South Carolina, I fell in love with this beautiful state, and knew it would be my home. For three years, I represented the Gamecocks at intercollegiate debate tournaments all over the country. The format used for competitive debate required that in alternating rounds, debaters advocate for the opposite side of the same topic. Practicing this intellectual exercise for seven years gave me a unique ability that has served me well as a practicing lawyer. I am able to see beyond my own advocacy to consider both sides of the issues. These abilities will serve me well if I am elected.

As I have spent my days in busy courtrooms for the last 12 years, I have noticed that court personnel, including solicitors, public defenders, private bar lawyers, bailiffs, judges, and all those who report there for work every day, often forget the sanctity and solemnity of the courtroom. Each person who works in court every day is concerned with efficiency and outcome of the courtroom proceedings. But to the average person in this state - the victim whose home was burglarized, the claimant injured in an automobile collision, the mother of a murder victim, the debtor whose manufactured home is being repossessed, the young offender who made a terrible choice -- court is formal, frightening, and foreign. This will likely be the only time in their entire life that these citizens appear in a courtroom. As important as it is for Judges to efficiently dispense with the caseload before them, the highest duty of a Judge is to give every matter the attention to detail and respect it deserves. While some matters may seem insignificant to the Judiciary given the grave matters Judges are asked to undertake each day, every matter is significant to its litigants. If elected, I intend to be a Judge who never forgets that fact, and gives every single matter before the court a full and fair hearing. Faith in the Judiciary and the Judicial system is essential to our functioning Democracy, and adherence to the rule of law.

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I am not only a lawyer, but as a small firm lawyer, I am also a small business owner. I understand the pressures placed on the bar by the roster system that expects many lawyers to be in three places at once. If elected, I intend to treat lawyers who are doing their best to diligently represent their clients with dignity and respect, to let them make their record, and argue their case.

In many cases, the role of a Judge in the courtrooms is that of a referee. The Judge makes the calls in procedural and evidentiary disputes, serves as neutral facilitator of the proceedings, and starts and stops the clock. But it's the lawyers' courtroom, and the litigants' case. The lawyers and litigants are the players on the field. They are the ones that win or lose. They should be able to present their case as they see fit so long as their presentation comports with the rules.

As Chief Justice John Roberts so eloquently said, in his opening statement during his nomination hearings before the United States Senate Judiciary Committee:

Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. And judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

Confirmation Hearing on the Nomination of John G. Roberts, Jr. to be Chief Justice of the United States, 109th Cong. 55-56 (2005) (statement of nominee, John G. Roberts, Jr.).

I do not intend to be a Judge who lectures or gives long speeches. I believe that a Judge cedes the floor to the lawyers when they seek election to the other side of the bench.

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Finally, if elected, I intend to be a Judge who serves as a neutral arbiter of the cases before me. I would conduct myself, both inside and outside of the courtroom, in a way that gives no appearance of impropriety, both professionally and personally.

(11) Commission Members Comments:

The Commission commented that Ms. Bailey has a great reputation and noted her very impressive BallotBox responses.

(12) Conclusion:

The Commission found Ms. Bailey qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 13.

**The Honorable Joe M. Crosby
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Crosby meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Crosby was born in 1969. He is 50 years old and a resident of Pawleys Island, South Carolina. Judge Crosby provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1994.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Crosby.

Judge Crosby demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal. Judge Crosby reported that he has not made any campaign expenditures.

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Judge Crosby testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Crosby testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Crosby to be intelligent and knowledgeable.

Judge Crosby reported that he has not taught or lectured at any bar association conferences, educational institutions, or continuing legal or judicial education programs.

Judge Crosby reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Judge Crosby did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Crosby did not indicate any evidence of a troubled financial status. Judge Crosby has handled his financial affairs responsibly.

The Commission also noted that Judge Crosby was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Crosby reported that he is not rated by any legal rating organization.

Judge Crosby reported that he has not served in the military.

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Judge Crosby reported that he has held the following public office:

Georgetown County School Board from 2000 until 2007. He was a member from 2000-2004 and Chairman from 2004 until 2007.

- (6) Physical Health:
Judge Crosby appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Judge Crosby appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Judge Crosby was admitted to the South Carolina Bar in 1994.

He gave the following account of his legal experience since graduation from law school:

After graduation I worked as a law clerk for the Honorable David H. Maring, Sr., Circuit Court Judge, 15th Judicial Circuit from 1994-1995. I was married in August of 1995 and moved to Charleston to join my wife who was employed in the 9th Circuit Solicitor's Office. I worked for the Anastopoulos Law Firm in Charleston for seven months in a personal injury practice after which I moved to Smith, Cox and Associates and worked there until November 1996 in a business-focused practice. In November 1996 my wife and I returned to Georgetown, South Carolina. I began work as an Associate for William Stuart Duncan in a plaintiff's practice in which I was referred all Family Court cases. I continued in this capacity until 2000 when we moved the practice and we became Duncan and Crosby, P.A. In 2004 Robert Maring joined as a partner so we became Duncan, Crosby and Maring, LLC. Since 1996 my court practice has expanded. It has changed in that the nature of the family court cases I take are more complex and the criminal cases are more challenging. I have been involved in federal litigation on issues ranging from the Fair Labor Standards Act to, social security to religious freedom. In 2007 my wife and I formed the Crosby Law Firm. We have been in a

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general practice since that time. And we are both responsible for managing our trust account and the practice as a whole. The Crosby Law Firm practices extensively in Circuit Court, Family Court and Magistrate's Court.

Judge Crosby further reported regarding his experience with the Circuit Court practice area:

My criminal representation has been limited to an occasional client that needs assistance got a variety of issues. I have recently represented a client against fraud charges. I have also represented a client in General sessions for illegal substance charges and another General Sessions charge regarding a plea agreement from more substantial charges. These were all General Sessions charges that required me to review documents consider pleas offers and make recommendations regarding potential outcomes to clients. I have numerous appearances for city and magistrate level cases. These are generally DUI cases ranging from Georgetown to Horry County.

My civil trial experience is largely focused by the fact I am a Master-in-Equity and Special Circuit Court Judge and have been for over 10 years. While representing defendants, I have taken a construction case to trial, although it was settled. I have also represented Property Owners' Association in a variety of issues. I secured judgements on behalf of property owners in commercial leases cases and private property owners in boundary disputes. I am also fortunate enough to be able represent injured parties in car accident cases. All of these cases involve procedural maneuvering and discovery is required in all of these cases.

These experiences, in addition to the actual experience on the bench handling trial and post-trial motions, has prepared me for becoming a Circuit Court Judge.

Judge Crosby reported the frequency of his court appearances prior to his service on the bench as follows:

- (a) Federal: 10%
- (b) State: 90%

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Judge Crosby reported the percentage of his practice involving civil, criminal, domestic and other matters prior to his service on the bench as follows:

- (a) Civil: 25%
- (b) Criminal: 25%
- (c) Domestic: 40%
- (d) Other: 10%

Judge Crosby reported the percentage of his practice in trial court prior to his service on the bench as follows:

- (a) Jury: 25%
- (b) Non-jury: 75%

Judge Crosby provided that during the past five years prior to his service on the bench he most often served as sole counsel.

The following is Judge Crosby's account of his five most significant litigated matters:

- (a) Fredrick Herman v. The State of South Carolina; retained PCR. I successfully pursued a post-conviction relief for a client which resulted in a greatly reduced sentence: twenty-five years to four. The Attorney General's Office consented to resentencing.
- (b) McEntire v. Mooregard C/A # 98-CP-22-736; 353 S.C. 629, 578 S.E.2d 746 South Carolina Court of Appeals, March 17, 2003. We were awarded a new trial based on the Thirteenth Juror Doctrine and prevailed on appeal. The case settled after the trial judge was affirmed by the South Carolina Court of Appeals.
- (c) Representing the volunteer Guardian *ad litem* program. Because they involve children, many of my most significant matters are the hundreds of cases I have handled as attorney for the Georgetown Volunteer Guardian *ad litem* program. These cases have involved litigating on behalf of abused and neglected children.
- (d) Dept of Social Services v. Murray; I successfully argued at the trial level case seeking to dismiss a volunteer Guardian *ad litem*. The order was appealed by the dismissed GAL. The appeal was ultimately dismissed as moot by the South Carolina Supreme Court in an unpublished decision.

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- (e) Haley v. Nationsbank, N.A., 98-CP-22-780. I represented a client seeking to claim part of the Nationsbank \$10,000.00 reward for providing information leading to the arrest of church arsonists in the Manning area. The case settled prior to trial. I had to depose FBI agents, noticed the deposition of the CEO of Bank of America, and prepared the case for trial.

Judge Crosby reported that he has handled the following Civil Appeals:

- (a) Herman v. South Carolina; South Carolina Circuit Court (PCR) Case resolved by consent.
- (b) McEntire v. Mooregard, 353 S.C. 629, 578 S.E.2d 746 South Carolina Court of Appeals, March 17, 2003.
- (c) Barry Holmes v. Jo Anne B. Barnhart; 03-2906-13BC U.S. District Court. The District Court remanded the decision of the Commissioner.
- (d) Anthony Hyman v. Jo Ann B. Barnhart, 05-03168-DCN U.S. District Court. The District Court remanded the decision of the Commissioner.
- (e) John Calhoun v. Jo Ann B. Barnhart, 04 1682 HFF U.S. District Court. The District Court remanded the decision of the Commissioner.

Judge Crosby reported that he has not personally handled any criminal appeals.

Judge Crosby reported that he has held the following judicial office(s):

I am the sitting Master in Equity for Georgetown County from 2007 to present. I am able to hear non-jury issues with the consent of the parties.

Judge Crosby reported the following regarding his employment while serving as a judge:

I am a “part-time” Master in Equity. Therefore, I have continued to practice law in a private practice. I have been a partner in the Crosby Law Firm since 2006.

Judge Crosby further reported the following regarding unsuccessful candidacies:

I ran for Family Court in 2005 and was unsuccessful.

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- (9) Judicial Temperament:
The Commission believes that Judge Crosby's temperament has been, and would continue to be, excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Judge Crosby to be "Well Qualified" in the evaluative criteria of ethical fitness, reputation, and experience; and "Qualified" in the evaluative criteria of constitutional qualifications, professional and academic ability, character, physical health, mental stability, and judicial temperament. The Committee also stated, "Mr. Crosby enjoys a good reputation in the community and has experience as a judge through his work as a part-time Master-in-Equity."
- Judge Crosby is married to Elise Crosby. He has 3 children.
- Judge Crosby reported that he was a member of the following bar and professional associations:
- (a) Georgetown County Bar Association 1995-present
 - (b) President, Georgetown County Bar, 2017.
 - (c) 15th Circuit Inn of Court 2017-present
- Judge Crosby provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
- (a) Boy Scouts of America, Scoutmaster 2015-2018
 - (b) Winyah Indigo Society
 - (c) Prince George Episcopal Church
- (11) Commission Members' Comments:
The Commission commented that Judge Crosby maintains an excellent reputation for his work as a Master-in-Equity. He has a wealth of varied experience both as a practicing attorney and as a jurist.
- (12) Conclusion:
The Commission found Judge Crosby qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 13.

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**H. Steven DeBerry IV
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. DeBerry meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. DeBerry was born in 1980. He is 39 years old and a resident of Pamplico, South Carolina. Mr. DeBerry provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2006.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. DeBerry.

Mr. DeBerry demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. DeBerry reported that he has made \$1.50 in campaign expenditures for postage.

Mr. DeBerry testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. DeBerry testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. DeBerry to be intelligent and knowledgeable.

Mr. DeBerry reported that he has taught the following law-related courses:

I taught Business Law for a number of years at Florence Darlington Technical College. The course consisted of basic principles of law and how the law interacts with business.

Mr. DeBerry reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. DeBerry did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. DeBerry did not indicate any evidence of a troubled financial status. Mr. DeBerry has handled his financial affairs responsibly.

The Commission also noted that Mr. DeBerry was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. DeBerry reported that he is not rated by any legal rating organization.

Mr. DeBerry reported that he has not served in the military.

Mr. DeBerry reported that he has held the following public office:

I was elected to Florence County Council in November of 2013. My first term began January 1, 2014 and expired December 31, 2018. I was re-elected to a second term in November 2018 and began my second term in January 2019. I currently hold this office. I have timely filed my reports with the State Ethics Commission during the time I have held office.

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- (6) Physical Health:
Mr. DeBerry appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. DeBerry appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. DeBerry was admitted to the South Carolina Bar in 2006.

He gave the following account of his legal experience since graduation from law school:

- (a) Law Clerk for the Honorable R. Ferrell Cothran, Jr. 2006-2007
- (b) Attorney at The Whisenhunt Law Firm, Florence South Carolina 2007-2008
- (c) Assistant Solicitor for the Twelfth Judicial Circuit 2008-2011
- (d) DeBerry Law Firm, LLC 2011-present

As an attorney at The Whisenhunt Law Firm I handled domestic and criminal cases. I was not in control of any trust accounts there and simply worked as an employee. (2007-2008)

When I began working for Solicitor Ed Clements in the Twelfth Judicial Circuit, I was a DUI prosecutor. At first, I handled primarily DUI cases and other traffic related offenses that were charged by the South Carolina Highway Patrol. Later, I began prosecuting crimes of all levels. (2008-2011)

Upon opening DeBerry Law Firm, LLC, I began handling cases in Magistrate's Court, Family Court, and Circuit Court. I primarily started out handling domestic cases, criminal cases, real estate matters, and personal injury cases. Early on, I stopped handling domestic cases and have focused on the remaining practice areas listed.

I am the only attorney that has ever practiced law with DeBerry Law Firm, LLC. I have been in charge of all of the administrative and financial duties of this law firm. DeBerry Law Firm, LLC has two trust accounts, one that holds monies in trust for real estate

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only matters, and the other for all other matters that require holding monies in trust.

Mr. DeBerry further reported regarding his experience with the Circuit Court practice area:

(a) Criminal Experience:

Since entering private practice as a sole practitioner in September of 2011, I have been retained in approximately 900 criminal matters, many involving multiple warrants and or indictments. The level of charges varies from violent crimes to magistrate level offenses, including pardon representation.

I have also been a contract attorney through South Carolina Indigent Defense. I have been appointed on approximately 96 cases as a result of defendant's having conflicts with the public defender's office. Many of these cases have involved violent crimes. Some of the almost 1000 cases referenced above are still pending.

Some of the above referenced matters have involved juvenile defendant's and as such, adjudication in family court.

Before entering private practice, I worked as an assistant solicitor in the Twelfth Judicial Circuit. I began as a DUI prosecutor and before leaving to enter private practice I had a full case load of all levels of crimes. My case load included violent crimes, including but not limited to armed robberies, assault and batteries, burglaries, and murders.

I have made many pre-trial, during-trial, and post-trial motions on behalf of my clients in all courts including but not limited to issues involving; jury selection, sequestration of witnesses, suppression of evidence, identification, hearsay, rules of evidence, stand your ground, motions for directed verdicts, and motions for resentencing subject to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014).

(b) Civil Experience:

Since entering private practice in September of 2011, I have represented approximately 285 clients involving some type of

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personal injury. Most of these cases involve car accidents, but others include, but are not limited to; slip and fall, farm accidents, dog bites, premise liability, and workers compensation. Approximately 35 of these cases have been in suit and litigated to various degrees.

I have argued motions on behalf of these cases in many instances involving issues including but not limited to; motions to dismiss, motions for summary judgement, evidentiary motions, motions to change venue, and motions for directed verdicts.

My solo law practice has opened and handled approximately 525 real estate related files since opening in September of 2011. I have dealt with many real estate and property law related issues including but not limited to; the probating of estates in order to achieve clear title to real property, handling liens and encumbrances on real property, litigation of landlord tenant matters, evictions, foreclosures, claims and deliveries in the Circuit and Magistrate level Courts, quit claim, warranty, and other deeds, determination of heirs, litigating division of real property suits, and other real property related issues. My civil experience also includes litigation in Probate and Magistrate Court including matters of law and equity.

My appearance in Circuit Court in the past five years has been extremely frequent. I estimate that on average I appear in Circuit Court about once per week, or about 50 to 55 times per year. These appearances are naturally much more frequent during terms of court in the Twelfth Judicial Circuit, and especially during terms of General Sessions Court. Conversely, during times of holidays and other periods of no court being in session, my appearances are less or not at all.

Mr. DeBerry reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: I have appeared in circuit court, magistrate's court, and administrative law court on average weekly in the past five years.

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Mr. DeBerry reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 25%
- (b) Criminal: 55%
- (c) Domestic: 0%
- (d) Other: 20% (Real Estate/Property Law)

Mr. DeBerry reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 80%
- (b) Non-jury: 20%

Mr. DeBerry provided that during the past five years he most often served as sole counsel.

The following is Mr. DeBerry's account of his five most significant litigated matters:

- (a) State v. Hill. In this matter my client was indicted for Assault and Battery of a High and Aggravated Nature in connection with an altercation at his job as a night club manager. I was able to obtain a dismissal of his charges pursuant to the "Protection of Persons and Property Act," specifically referencing Section 16-11-440 of the South Carolina Code of Laws, which is commonly referred to as the "Stand Your Ground" law. There was no appeal.
- (b) Johnny A. Stabolitis v. William E. Turner, Bill Haire, National Striped Bass Ass., INC, National Striped Bass Associations of America, INC., and Striped Bass Conservation Coalition, INC. This matter involved complex issues of law regarding corporations and piercing the corporate veil. This matter was tried before a jury, and prior to jury deliberation the Honorable Donald Hocker made it known that there was more than sufficient evidence in the record to support a motion to pierce the corporate veil according to the actions of the Defendant's. At that time a favorable settlement was able to be reached on behalf of my client, Mr. Stabolitis.
- (c) Lo Co Manufactured Housing, INC. v. Denise Wells, AKA Denise McCrea, AKA Robin Denise McCrae, AKA

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Robin Wells. This matter involved legal issues material to the verbiage and legal meaning of a lease, or a lease to own, legal document. Further at issue, was the plaintiff's and defendant's rights of possession of a certain home that was the subject of this lawsuit. Also affected by this action was a third-party property owner who was leasing a lot of land that the home was situated on. I represented the Plaintiff in this matter at trial before the Honorable George McFadden in Clarendon County. I was successful in winning on the position that my client was entitled to possession of the home without the legal necessity of filing a foreclosure action based on the facts of the case. The third-party landowner also received relief in this matter as a result of the ruling.

- (d) State v. Reaves, 414 S.C. 118, 777 S.E.2d 213 (S.C., 2015). In this matter I was working as assistant solicitor in the Twelfth Judicial Circuit when I was assigned this murder case. At the time I was assigned the case, the Defendant had been incarcerated for three years in the Marion County Detention Center without bond. A speedy trial motion was made and the case was called for trial shortly thereafter. During the first trial, it was learned that the lead detective in the matter had evidence in his possession that was not turned over to the State, and therefore not provided through discovery to the Defense. I agreed and consented that a mistrial was proper and the Honorable William Seals declared a mistrial. At the second trial it was determined that many items of evidence were mishandled, misplaced, or otherwise spoiled. There was also an issue of a second, unidentified shooter, evidenced by the fact that the victim was shot by two different guns. There was expert testimony that the fatal shot was fired by a revolver, and that the non-fatal shot was fired by an automatic pistol. Despite all of the legal, factual, and evidentiary issues that occurred during this trial, I was able to obtain a guilty verdict for Voluntary Manslaughter against the defendant and he was sentenced to 25 years in prison. This matter survived an appeal to the South Carolina Supreme Court and was upheld as a lawful conviction.

- (e) Mark Severance v. Charles B. Severance, as Personal Representative of the Estate of Elsie L. Severance. At

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issue in this trial were matters of law and equity. This matter was significant as my client, an heir of his mother's estate, had been given a house on family property that he believed was to be included in his inheritance. Over time, my client spent monies and time in the upkeep and remodeling of the home for use for he and his family. After the death of their mother, the personal representative of her estate sought to include the home in question as a part of the rest, residue and remainder of the estate, and to not treat the home as a specific devise according the Last Will and Testament of the mother. After trial, it was ordered by the Probate Judge that the home was a specific devise and that the Plaintiff in the matter prevailed. There was no appeal.

The following is Mr. DeBerry's account of two criminal appeals he has personally handled:

- (a) State v. Baxley, heard September 21, 2017 by the Honorable D. Craig Brown, in the Twelfth Judicial Circuit. The appeal by the State was denied.
- (b) As an Assistant Solicitor I was in charge of handling Magistrate level criminal appeals that were heard in Circuit Court. I do not have records that include dates and case names.

Mr. DeBerry reported that he has not personally handled any civil appeals.

- (9) Judicial Temperament:
The Commission believes that Mr. DeBerry's temperament would be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. DeBerry to be "Qualified" in all evaluative criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Pee Dee Citizens Committee stated in summary, "Concerns exist in the

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community regarding this candidate's work ethic and lack of maturity for the seat."

Mr. DeBerry is married to Jessica Lynn White DeBerry. He has two children.

Mr. DeBerry reported that he was a member of the following bar and professional associations:

Florence County Bar Association, I have held no offices.

Mr. DeBerry provided that he was not a member of any civic, charitable, educational, social, or fraternal organization.

Mr. DeBerry further reported:

Fairness, integrity, patience, equality, and impartiality are virtues and attributes that should accompany every judge. I care about our justice system operating as it is designed to do, which is to provide justice for all. Without the best judges possible, the State of South Carolina and our system of justice will not be the best it can be.

When elected, I will make our judiciary better. I will bring my life experiences and virtues of fairness, integrity, patience, equality, and impartiality to the bench with me. I will do so in order to ensure that justice is done, and done above all else, fairly.

During the opening argument of every trial I have ever tried in my legal career, I have always first thanked the jury for their service, and then asked them for a fair and impartial trial for all involved. In many cases I have harped on fairness excessively as it is important for a judge and a jury to understand the significance of an individual's day in court and their right to a fair and impartial trial. In my opinion, a fair trial is far more important than any particular verdict or outcome.

Integrity in our judicial system is imperative for fairness and impartiality to strive. My time spent earning my degree from The Citadel instilled in me a sense of integrity that I will never stray from. My time there taught me that doing the right thing, in all circumstances and situations, to the best of my ability, is the honorable and fair thing to do. I live my life by these values every day. I raise my children by these values every day. And when

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elected, I will carry out my duties as a Circuit Court Judge in the same way.

I have always felt a sense of duty to provide public service. I have served, and currently serve as a member of the Florence County Council. I do so to give back to my community, to represent the people in my district and the people of Florence County, and to provide them with representation that ensures fairness, impartiality, and integrity as it relates to County Government in Florence County. I have enjoyed my service and take pride in what we have been able to accomplish for my district and for Florence County as a whole. I have strived to provide this service solely for the purpose of bringing my constituents a sense of inclusion, and fairness, and not for any personal gain.

I am also a contract attorney with South Carolina Commission on Indigent Defense. I have remained in this capacity for a number of years. Although I am compensated for these cases, the fees paid are minimal in relation to the nature and level of many of the crimes. My time spent on these files varies according to the complexity of the matters, some of these conflict cases have been days and even week long jury trials, where others have been resolved by way of plea or dismissal. I often get questioned by the local bar as to why I remain on the conflict list, subjecting myself to complex cases for a small flat fee. The truth is that I enjoy the challenge, but above all else I feel that my remaining on the list is a form of serving the public. I feel that my experience and expertise can be used to help people that otherwise could not afford equivalent services. It is for the public service aspect, and the ability to help people in need to get a fair and impartial journey through our legal system, that I remain on the conflict list.

In conclusion, I believe that my life and career experiences make me the best possible candidate for the position that I seek. I come from a family of legal professionals that have helped mold me into the lawyer that I am today. I have vast experience in the court room on both sides of the criminal bar. My civil litigation experience is robust, and I have handled many kinds of civil actions as Plaintiff and Defense counsel, in cases ranging from personal injury to property disputes. My frequent appearances in Circuit Court through out my entire career give me invaluable experience to be a great Circuit Court judge. However, the greatest attributes that I

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bring as a judicial candidate are my integrity, fairness, equality, and impartiality.

- (11) Commission Members' Comments:
The Commission noted that Mr. DeBerry had a very compelling story and complimented him on his work ethic.
- (12) Conclusion:
The Commission found Mr. DeBerry qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 13.

**William Vickery Meetze
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Meetze meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Meetze was born in 1968. He is 51 years old and a resident of Marion, South Carolina. Mr. Meetze provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1999.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Meetze.

Mr. Meetze demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Meetze reported that he has not made any campaign expenditures.

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Mr. Meetze testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Meetze testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Meetze to be intelligent and knowledgeable.

Mr. Meetze reported that he has taught the following law-related course:

Law School at Palmetto Boys State for the past 18 years.

Mr. Meetze reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Meetze did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Meetze did not indicate any evidence of a troubled financial status. Mr. Meetze has handled his financial affairs responsibly.

The Commission also noted that Mr. Meetze was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Meetze reported that he is not rated by any legal rating organization.

Mr. Meetze reported that he has not served in the military.

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Mr. Meetze reported that he has never held public office.

(6) Physical Health:

Mr. Meetze appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Meetze appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Meetze was admitted to the South Carolina Bar in 1999.

He gave the following account of his legal experience since graduation from law school:

(a) Judicial Law Clerk for the Honorable James E. Brogdon, Jr.

During the year that I clerked for Judge Brogdon, he was Chief Administrative Judge in both the Twelfth Judicial Circuit and the Third Judicial Circuit. I was able to research many issues involving both General Sessions and Common Pleas. I was able to see many trials from each branch. Also, Judge Brogdon was assigned two complex litigation civil cases while I clerked for him and that provided valuable experience in dealing with pre-trial matters such as discovery issues and summary judgment motions.

(b) Assistant Solicitor Sixteenth Judicial Circuit

I prosecuted a variety of criminal cases for just under three years. I handled both felony and misdemeanor cases. Began trying cases early on and served as lead attorney from the start.

(c) Assistant Public Defender Sixteenth Judicial Circuit, York County

I began my career as a criminal defense lawyer in June of 2002. I worked in that office for a little more than four years. In that job I represented criminal defendants charged with all manner of offenses from misdemeanors to murder cases. I served as lead counsel in many cases, and I also helped other lawyers with their cases when necessary. During my time in the Sixteenth Judicial Circuit Public Defender's

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Office, we were fortunate to have many experienced attorneys to work with and gain experience from.

- (d) Assistant Public Defender Twelfth Judicial Circuit,
Florence County

My job responsibilities were the same in the Twelfth Judicial Circuit as they had been in the Sixteenth Judicial Circuit.

- (e) Assistant Public Defender Twelfth Judicial Circuit,
Florence & Marion County

In the fall of 2011, my responsibilities expanded to where I worked as a public defender in both counties of the Twelfth Judicial Circuit. That meant more cases, more trials and more time in court, in general. It was at that time, that I was appointed lead counsel on a death penalty case.

- (f) Deputy Public Defender for the Twelfth Judicial Circuit

In August of 2014, I was promoted to Deputy Public Defender for the Twelfth Judicial Circuit. I still have the same kind of case load but have also taken on some administrative duties and working with and advising younger attorneys in our office.

Mr. Meetze further reported regarding his experience with the Circuit Court practice area:

I have been practicing criminal law in General Sessions Court since August of 1999. I was a prosecutor in the Sixteenth Judicial Circuit for a little under three years and during that time I prosecuted individuals charged with non-drug related criminal offenses that carried a penalty of up to fifteen years in prison. In August of 1999, I began working as an Assistant Public Defender in York County. As an Assistant Public Defender I represent indigent defendants charged with anything from lower level misdemeanors all the way up to armed robbery, burglary first degree and murder. In 2006, I was given an opportunity to come back home and work in the Twelfth Judicial Circuit. I accepted a position in the Florence County Public Defender's Office. In 2011, I expanded my responsibilities by also serving as a public defender for Marion County, and I have served Florence and Marion Counties in that capacity since that time. In 2014, I was promoted to the position of Deputy Public Defender for the Twelfth Judicial Circuit, and I have

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served continuously in that capacity for the past five years. I have continued defending indigent defendants charged with all types of offenses; however, I have a much larger concentration of A, B, and C felonies at this point. I have defended people in cases involving all levels of criminal activity, including major drug trafficking, criminal sexual conduct and murder.

My civil experience from a practical standpoint has been through my involvement in post-conviction relief matters. As a criminal defense lawyer in a public defender's office I have been involved in a number of those hearings in the past five years. Also, as a trial attorney I am very familiar with the rules of evidence which are applicable to both branches of Circuit Court. Other than that, I have taken two CLE's, one was on E-Discovery and the other was the 2016 Tort Law Update. I have also viewed a civil trial from start to finish and have worked hard studying the Rules of Civil Procedure. I have also served as Co-Dean of the law school at Palmetto Boys State for the past eighteen years where the instruction includes civil court matters.

Mr. Meetze reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: I have not appeared in Federal Court any during the past five years;
- (b) State: I have appeared in General Sessions Court twenty-six weeks a year for the past five years.

Mr. Meetze reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: zero percent;
- (b) Criminal: greater than ninety-nine percent;
- (c) Domestic: less than one percent;
- (d) Other: zero percent.

Mr. Meetze reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: Five percent;
- (b) Non-jury: Ninety-five percent.

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Mr. Meetze provided that during the past five years he most often served as sole counsel.

The following is Mr. Meetze's account of his five most significant litigated matters:

- (a) State v. Syllester D. Taylor (736 S.E. 2d 663, 2013): I handled this case at the trial level. It was trial in absence where I preserved all motions and eventually the conviction was reversed by the Court of Appeals. (694 S.E. 2d 60, 2010) The Supreme Court subsequently reversed the Court of Appeals in the above referenced site. However, even though Mr. Taylor eventually lost his appeal in the Supreme Court by a 3-2 decision, this case is an example of our legal system at work, and even though Mr. Taylor was absent from his trial, he was represented effectively and was not denied any opportunity or due process of law in spite of his absence.
- (b) State v. Tavarío Brunson: This was a very high profile case in Florence County that I tried along with another attorney. The evidence against Mr. Brunson was quite overwhelming to include a recorded confession and a positive DNA match. Mr. Brunson was convicted of murder and that result was never really in question. I believe this is an important case because it is an example of our Constitution at work. Mr. Brunson exercised his right to a Jury trial and even though the evidence was overwhelming he was provided an excellent defense and to this day I believe it is one of the most well tried cases in which I have had the opportunity to be involved.
- (c) State v. Montez Barker: This is a death penalty case in which I was appointed lead counsel. It is important because of the nature of the offense and the fact that a man's life was literally on the line. Death Penalty cases take an extreme amount of work and dedication. You are working as a team with another attorney that has been appointed as second chair as well as fact and mitigation investigators, not to mention my client's family was heavily involved, as well. We were able to work hard, and in the end were able to spare Mr. Barker's life by negotiating a plea for him where he would not face the death penalty. It takes a lot of work and relationship

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building to get a capital client to trust you enough to eventually agree that pleading guilty where you will be receiving a life sentence is in his best interest. That is what happened in this case, and it is one of the most satisfying results I have ever had in a case.

- (d) State v. Tyquan Jamar Johnson: This was a case in Florence County that was tried in December of 2018. Mr. Johnson was charged with murder. This was a case where my client maintained his innocence throughout this process. The State had made what I considered a very favorable offer to Mr. Johnson and I advised him that it would be in his best interest to take the offer. He stood his ground and said he didn't do it, and he wouldn't plead guilty to something he didn't do. At trial, another attorney in my office made the opening statement, and I examined all of the witnesses, did the closing argument and made all motions. Mr. Johnson was found not guilty in the face of an eye witness who identified Mr. Johnson as the shooter. Mr. Johnson's cell phone was recovered within a few feet of the deceased. I knew that I had worked hard on the case, and that I was prepared and could try a great case; however, in our humbling business that doesn't guarantee a favorable result. There were no lesser included offenses charged to the jury so it was all or nothing once the jury got the case. The jury returned a verdict of not guilty. I believe this case is significant because it is an example why it is the client's decision as to whether or not to plead or go to trial. Had Mr. Johnson taken my advice, he would be in prison for a considerable length of time. Even when I was advising him that he should take his deal, I also made sure I reiterated that it is his decision and not mine. Many times clients don't stand their ground. Mr. Johnson did and it worked in his favor.
- (e) State v. Calvin Jermaine Pompey Unpublished Opinion Number 2015-UP-280: This was a case where Mr. Pompey was charged with murder in a shooting outside of a night club in Marion, SC. There had been an altercation inside the club, and Mr. Pompey and the people he came with left and went to their car. An individual from the club who was involved in the altercation ran towards Mr. Pompey's vehicle and

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appeared to be reaching under his shirt giving the appearance of reaching for a weapon. Mr. Pompey was sitting in the passenger seat but had not had the opportunity to close the door. The deceased began entering the car to attack Mr. Pompey. Mr. Pompey got a hand gun out of the glove compartment of the car and fired one shot, killing the individual. I made a motion to dismiss based under the Protection of Persons and Property Act. A hearing was held before The Honorable D. Craig Brown and Judge Brown found that Mr. Pompey was justified in his actions, and that the state was barred from prosecuting him pursuant to the act. The state appealed and the Court of Appeals upheld Judge Brown's ruling in the above referenced unpublished opinion.

Mr. Meetze reported he has not personally handled any civil or criminal appeals.

Mr. Meetze further reported the following regarding unsuccessful candidacies:

- (a) Candidate for Twelfth Judicial Circuit Public Defender, January 2008
I was not nominated for the position.
- (b) Candidate for Twelfth Judicial Circuit Public Defender, December 2011
I was not nominated for the position
- (c) Candidate for Judge, Circuit Court At-Large, Seat 16, fall of 2012
Qualified but not nominated.
- (d) Candidate for Judge, Circuit Court At-Large, Seat 9, fall of 2014
Qualified but not nominated.
- (e) Candidate for Judge, Circuit Court, At-Large, Seat 10, fall of 2015
Withdrew.
- (f) Candidate for Judge, Circuit Court At-Large, Seat 1, fall of 2016
Qualified but not nominated.

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- (9) Judicial Temperament:
The Commission believes that Mr. Meetze's temperament would be excellent.
- (10) Miscellaneous:
The Pee Dee Citizens Committee on Judicial Qualifications found Mr. Meetze to be "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament. The Committee also stated, "Mr. Meetze is well-known to this committee and we continue to like this candidate. He has the reputation of being a top-notch lawyer, has good presence and would make an excellent judge."
- Mr. Meetze is married to Anna Braddock. He does not have any children.
- Mr. Meetze reported that he was a member of the following bar and professional associations:
Public Defender's Association: At-Large Representative 2014-present.
- Mr. Meetze provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:
- (a) President: United Methodist Men, First United Methodist Church, Marion, SC.
 - (b) Member: Finance Committee, First United Methodist Church, Marion, SC.
- (11) Commission Members' Comments:
The Commission noted that Mr. Meetze is well respected in the community and is an experienced litigator.
- (12) Conclusion:
The Commission found Mr. Meetze qualified, but did not nominate him for election to Circuit Court, At-Large, Seat 13.

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**Jane H. Merrill
Circuit Court, At-Large, Seat 13**

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Merrill meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Merrill was born in 1980. She is 39 years old and a resident of Greenwood, South Carolina. Ms. Merrill provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Merrill.

Ms. Merrill demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Merrill reported that she has not made any campaign expenditures.

Ms. Merrill testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Merrill testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Merrill to be intelligent and knowledgeable.

Ms. Merrill reported that she has taught the following law-related courses:

- (a) On January 10, 2014, I taught a section of a probate CLE presented by the Greenwood County Bar.
- (b) On November 10, 2014, I taught the Criminal Law section for the SC Bar's program, Legal Lessons: A Series for the Public. After I concluded teaching my section, the scheduled teacher for the section on Torts did not appear, so I taught that section without formal preparation.
- (c) I regularly teach college students in Judicial Process and Civil Rights and Civil Liberties classes in my role as an adjunct professor at Lander University in Greenwood, South Carolina.

Ms. Merrill reported that she has published the following:

Jane Hawthorne Merrill, Comment, Multijurisdictional Practice of Law Under the Revised South Carolina Rules of Professional Conduct, 57 S.C. L. Rev. 549 (2006).

(4) Character:

The Commission's investigation of Ms. Merrill did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Merrill did not indicate any evidence of a troubled financial status. Ms. Merrill has handled her financial affairs responsibly.

The Commission also noted that Ms. Merrill was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Merrill reported that she is not rated by any legal rating organization.

Ms. Merrill reported that she has not served in the military.

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Ms. Merrill reported that she has never held public office.

(6) Physical Health:

Ms. Merrill appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Merrill appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Merrill was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experience since graduation from law school:

- (a) From November 2007 until December 2007, I served as an Assistant Solicitor in the Eighth Judicial Circuit, in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.
- (b) From January 2008 to August 2008, I served as a Judicial Law Clerk for The (Late) Honorable Wyatt T. Saunders, Jr., a Circuit Court Judge for the Eighth Judicial Circuit. Being a judicial law clerk provided invaluable experience in developing and honing my legal skills.
- (c) From August 2008 until June 2010, I served as an Assistant Solicitor in the Eighth Judicial Circuit, in the Greenwood office. I managed all aspects of cases, including case review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials.
- (d) From July 2010 until February 2013, I worked as an associate attorney on the litigation team at McDonald Patrick Poston Hemphill & Roper, LLC. The majority of my practice involved civil litigation matters, including drafting pleadings, engaging in discovery, preparing motions and memoranda, and trying cases to juries. A small portion of my practice involved domestic and criminal matters. I was not involved in the administrative and financial management at this firm.

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- (e) From March 2013 to the present, I have practiced law as a solo practitioner in my own firm, Hawthorne Merrill Law, LLC. I manage all aspects of cases and claims, from intake and case evaluation to resolution, in civil, criminal, domestic, and other matters. I am certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I was first certified in 2016 and have renewed my certification each year thereafter. I mediate cases that are pending in the circuit court, as well as some family court cases with the consent of the parties. I represent veterans before the Court of Appeals for Veterans Claims. I am solely responsible for the administrative and financial management of the firm. I comply with the rules requiring attorneys to maintain monthly trial balances and reconciliations of client trust accounts.
- (f) From August to December 2018, I taught Judicial Process as an adjunct professor at Lander University in Greenwood, South Carolina. From January to April 2019, I taught Civil Rights and Civil Liberties at Lander University. I am scheduled to teach Judicial Process for the Fall 2019 semester at Lander University.

Ms. Merrill further reported regarding her experience with the Circuit Court practice area:

I am uniquely qualified to be a Circuit Court judge. I have tried cases to juries as a criminal prosecutor, a criminal defense attorney, and a civil litigator representing both plaintiffs and defendants. The depth, breadth, and variety of my experience in the courtroom provides a strong foundation for the role of Circuit Court Judge.

In addition to my litigation experience, I was honored to serve as a judicial law clerk for The (Late) Honorable Wyatt T. Saunders from January 2008 to August 2008. My clerkship with Circuit Court Judge Saunders offered yet another perspective from which to learn and gain experience. While my primary responsibilities included researching and writing, I also observed numerous criminal and civil court proceedings. A summary of my experience in criminal and civil matters follows.

Criminal Experience

I had the good fortune to begin my legal career as an Assistant Solicitor in the Eighth Judicial Circuit. In that position,

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I was involved in all aspects of managing my significantly large caseload, including case and discovery review, theory development, case strategy, plea negotiations, presenting guilty pleas in court, motions hearings, jury selections, and trials as lead counsel and second chair. I worked on a variety of misdemeanor and felony charges, including armed robberies, kidnappings, burglaries, drug trafficking, child abuse, and animal abuse. Additionally, I communicated with victims, law enforcement officers, and witnesses. I found working with victims particularly meaningful. Even though each victim of a crime reacts and responds differently to their own experience, every victim needs the chance to be heard. Listening is an important part of being an effective attorney. Being a prosecutor provided significant and meaningful opportunities to gain courtroom experience.

Although I found it rewarding to serve as an assistant solicitor, I was interested in learning about other types of law. In July 2010, I began working for a law firm as an associate attorney on the litigation team which primarily focused on civil litigation which will be described in the Civil Experience section below.

In March 2013, I opened Hawthorne Merrill Law, LLC. At various times since opening my firm, I have participated in the Rule 608 Contract program, and represented defendants on both appointed and retained cases. Defending a criminal case presents different challenges than prosecuting one. It is imperative to communicate effectively with your client and earn your client's trust. Discovery is also reviewed from a different perspective as a defense attorney. For example, I analyze reports, warrants, indictments, statements, and evidence to develop issues affecting my client's constitutional rights, such as search and seizure, exigent circumstances, voluntariness of client's statement, Miranda protocol, immunity and privilege, and hearsay.

Over the last five years, I have tried several serious criminal cases to juries, including murder, armed robbery, kidnapping, drug trafficking, and burglary. I tried two murder cases in the last five years, as lead counsel in 2015 when the jury acquitted my client, and as sole counsel in 2016 when the jury convicted my client of the lesser included offense of involuntary manslaughter.

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Knowing, understanding, and applying procedural and substantive criminal law is essential to effectively trying criminal cases. Being on both sides of the courtroom provides a unique perspective that would be helpful and informative as a Circuit Court Judge.

Civil Experience

In July 2010, I began working for McDonald Patrick Poston Hemphill & Roper, LLC, as an associate attorney on the litigation team. I litigated civil matters in both state and federal courts, primarily representing defendants. After opening Hawthorne Merrill Law, LLC in March 2013, I've represented plaintiffs more often than defendants, and most of my caseload is in state court, though I do some work in federal courts.

As part of my civil litigation duties, I manage complex civil cases from intake and case evaluation to resolution. I draft and answer complaints, engage in discovery, depose parties and witnesses, prepare and argue motions, settle suits through mediation, and try cases to juries. I collaborate effectively with expert witnesses, and assist with the preparation of expert affidavits, reports, and testimony contesting causation. In the past five years, I have tried several civil cases to juries. I also represent veterans, and appear by filings before the United States Court of Appeals for Veterans Claims.

I am certified as a Circuit Court Mediator by The South Carolina Board of Arbitrator and Mediator Certification. I was first certified in 2016, and have renewed my certification each year thereafter. I mediate cases pursuant to court appointments and parties' selection. During mediation, I analyze the facts and law, apply knowledge of wide range of substantive and procedural law, and assist litigating parties during settlement negotiations through the mediation process.

Ms. Merrill reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: I am admitted to the federal bar and appear by way of motions and filings in the District of South Carolina, and in the Court of Appeals for Veterans Claims;
- (b) State: I physically appear in state court at least two times per week. Because the counties in the Eighth Judicial Circuit

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where I primarily practice do not have court every week of the year, this number is an average. In the past five years, I have tried several cases that lasted four to six full days. .

Ms. Merrill reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 35% (including mediation practice)
- (b) Criminal: 25%
- (c) Domestic: 30%
- (d) Other: 10%

Ms. Merrill reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 40-45%
- (b) Non-jury: 55-60%

Ms. Merrill provided that during the past five years she most often served as sole counsel.

The following is Ms. Merrill's account of her five most significant litigated matters:

- (a) State v. John Gregory Barnes, 2006-GS-24-00153, 2006-GS-24-00154, 2007-GS-24-02020; Circuit Court, General Sessions, Greenwood County (Trial December 2007); I was sworn into the South Carolina Bar on November 13, 2007, and less than a month later I tried this case. My supervising attorney sat with me at trial, but I was lead counsel and presented the opening statement, direct examined all witnesses, and argued the closing. The jury returned a guilty verdict for Unlawful Neglect of a Child and Possession of Methamphetamine. This case was significant because it was the first case I tried, and the defendant's attorney was, and still is, a seasoned and well respected criminal defense attorney.
- (b) State v. Jerome Chisholm, 395 S.C. 259, 717 S.E.2d 614 (Ct. App. 2011); 2005-GS-24-01386; Circuit Court, General Sessions, Greenwood County (Trial June 2009); I tried this case as an Assistant Solicitor. The state indicted the defendant for criminal sexual conduct with a minor. The defendant sexually abused the minor child

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and infected the minor child with the HIV virus. I assisted in preparing the entire case for trial. I served as second chair for trial, and had the delicate and challenging task of direct examining the minor child victim. I also direct examined the physician who served as the state's expert witness. The jury found the defendant guilty and the court imposed the maximum sentence. I handled the case only at the trial level, but on appeal, it was affirmed. This case is significant because it was humbling to meet, interact with, and prepare the minor child for trial. This child's privacy is my paramount concern so I cannot provide more details. However, I will add that working with this child and trying this case significantly impacted and guided how I work on cases with children.

- (c) State v. Zankirious Hurley, Indictment Nos. 2014-GS-24-0972, 2014-GS-24-0973; Circuit Court, General Sessions, Greenwood County (Trial September 2015); Mr. Hurley, at age 17, was accused of robbing and murdering his father. I represented Mr. Hurley, and served as sole counsel throughout the process except trial. For the trial, I hired another attorney to sit second chair because this was the first murder case I tried as defense counsel. I conducted the opening statement, cross examined all witnesses except one, direct examined all defense witnesses, and presented the closing argument. The jury acquitted Mr. Hurley on all charges. This case was significant because after conducting an extensive investigation, including interviewing numerous witnesses no one else interviewed, I was firmly convinced that my client was falsely accused. As such, the jury's verdict was the proper result. Mr. Hurley and his family appreciated my dedication and diligence in representing him.

- (d) State v. Marcus Manick, 2014-GS-24-0746, 2014-GS-24-0747; Circuit Court, General Sessions, Greenwood County (Trial October 2016); Mr. Manick was charged with murder. The state alleged Mr. Manick murdered a man who was physically attacking Mr. Manick's "sister." Mr. Manick considered this woman his "sister" because they grew up in the same household together, although they were not blood related. I represented Mr.

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Manick after his public defender discovered a conflict of interest. I was Mr. Manick's sole attorney, and tried the case alone. Throughout the process and during the trial, Mr. Manick did not deny firing the weapon, but I believed and successfully argued there was no malice to support a murder conviction. The jury acquitted Mr. Manick of murder, and found him guilty of the lesser included offense of involuntary manslaughter. The Court dismissed the remaining indictment for Possession of a Weapon During the Commission of a Violent Crime. This case was significant because it was a serious case that I tried alone, the jury returned what I considered the correct verdict, and my client was grateful for the effort and time I invested in his case.

- (e) Richard Wilson, et al. v. Laura B. Willis et al., 426 S.C. 326, 827 S.E.2d 167 (2019); I represented Laurie Williams in Circuit Court (Common Pleas), the Court of Appeals, and the Supreme Court. Ms. Williams was seriously injured in 2012 when she, as a pedestrian, was hit by a SUV. The case has numerous parties and a complicated procedural history, but Ms. Williams became involved in the case when the SUV's driver's insurance company sued Ms. Williams in federal court. The federal case was dismissed, and the insurance company then sued her in state court. Months after filing suit against Ms. Williams in state court, the insurance company moved to compel arbitration based on an arbitration clause in a contract between the insurance company and an insurance agency. The trial court denied the motion to compel, and the insurance company appealed. The Court of Appeals reversed. Wilson v. Willis, 416 S.C. 395, 786 S.E.2d 571 (Ct. App. 2016). The Supreme Court granted certiorari, heard oral arguments (my co-counsel and I argued separately) on December 13, 2018, and reversed the Court of Appeals in its decision issued April 10, 2019. This case is significant personally because it is the first case I argued before the Supreme Court, but it is more significant because it addressed a unique issue related to arbitration and insurance policies that provides guidance for the wider legal community.

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The following is Ms. Merrill's account of five civil appeals she has personally handled:

- (a) Singleton v. Shinseki, Vet. App. No. 12-1084, U.S. Court of Appeals for Veterans Claims (2013). After the prebriefing conference, the VA Secretary conceded the Board of Veterans' Appeals erred because it did not provide an adequate statement of reasons or bases to support its finding that the Veteran "has not been shown to have a prostate disorder that is related to his military service." A joint motion for remand was filed, and the Court issued an Order remanding the case to the Board of Veterans' Appeals.
- (b) Carroll v. Shinseki, Vet. App. No. 12-2696, U.S. Court of Appeals for Veterans Claims (2014). Mr. Carroll was a Vietnam era Veteran who sought service connection for Hepatitis C. By the time I began representing him before the Court, his claim had been pending for twelve years. I represented Mr. Carroll for his entire case before the Court of Appeals for Veterans Claims. The Secretary would not agree to a consent joint remand, so I argued his position in a brief and reply brief. In an unpublished memorandum decision, the Court ruled favorably for Mr. Carroll, and vacated the Board of Veterans' Appeals decision and remanded the matter for further proceedings consistent with its opinion. About a year later, the Department of Veterans Affairs granted service connection to Mr. Carroll for his Hepatitis C.
- (c) King v. McDonald, Vet. App. No. 15-1983, U.S. Court of Appeals for Veterans Claims (2016). The Court affirmed the decision of the Board of Veterans' Appeals denying Mr. King's initial evaluation in excess of 10% for service-connected mechanical low back pain, and for a total disability evaluation based on individual unemployability (TDIU).
- (d) Thompson v. Shulkin, Vet. App. No. 16-3503, U.S. Court of Appeals for Veterans Claims (2018). After the prebriefing conference, the VA Secretary agreed to vacate and remand Mr. Thompson's case because the VA failed to provide adequate examinations in April 2008, August 2009, December 2010, and January 2015, and the Board of Veterans' Appeals relied upon the inadequate examinations in its decision. A consent joint

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motion for remand was filed, and the Court issued its order remanding the matter to the Board of Veterans' Appeals.

- (e) Wilson v. Willis, 426 S.C. 326, 827 S.E.2d 167 (2019). The Supreme Court's decision that the insureds were not required to arbitrate their claims was favorable to my client. More details about this case are included in the response to Question 15 (e) above.

The following is Ms. Merrill's account of the criminal appeal she has personally handled:

State v. Green, Court of Appeals, May 11, 2016; I represented Mr. Green in this appeal pursuant to an appointment through the Appellate Practice Project. The Court of Appeals affirmed in an unpublished decision filed May 11, 2016.

- (9) Judicial Temperament:

The Commission believes that Ms. Merrill's temperament would be excellent.

- (10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Ms. Merrill to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Piedmont Committee also stated, "Though she has been a lawyer for only 12 years, Ms. Merrill brings an impressive range of experience - as a judicial law clerk, solicitor, criminal defense lawyer, and civil lawyer for both plaintiffs and defendants - to her candidacy. She is deeply involved in her community and has the strong work ethic, diligence and fairness needed for an effective Circuit Court Judge."

Ms. Merrill is married to Albert Leonard Merrill. She has two children.

Ms. Merrill reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar, since 2007
(b) Greenwood County Bar Association, since 2007

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- (c) South Carolina Association of Criminal Defense Lawyers, since 2013
- (d) National Organization of Veterans' Advocates, former member

Ms. Merrill provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Confirmed Communicant, Church of the Resurrection (Episcopal); past Vestry Member (2010 to 2012) and past Senior Warden (2012)
- (b) Vice Chair and Member, Board of Directors, Greenwood Community Theatre (Member since 2015; Vice Chair since 2019)
- (c) Member, Board of Directors, Greenwood County Community Foundation (since 2015)
- (d) Founding Member, Greenwood Women Cares (since 2018)
- (e) Volunteer Attorney Coach, High School Mock Trial Team (since 2013)
- (f) Member, Kiwanis International (since 2010)
- (g) Phi Beta Kappa
- (h) 2015 Recipient of Star Under 40 Award, Greenwood Chamber of Commerce
- (i) 2018 Greenwood Leadership Graduate
- (j) 2019 Mentor of the Year, South Carolina Bar

Ms. Merrill further reported:

As the daughter of a social worker and truck driver, I had little exposure to the legal world growing up. Nevertheless, my life experiences have prepared me in immeasurable ways to be a conscientious, courteous, compassionate, and committed judge.

“Hard work never killed anyone.” “If it’s worth doing, it’s worth doing right.” “Can’t never could.” These are some of my mother’s favorite phrases. My brother and I heard them all the time. Fortunately for us, my mother embodied these words in her own life, and we learned by her example.

My brother, older than me by only six months thanks to the gift of adoption, and I started kindergarten and graduated high school together. Our single mother working for DSS and our father, who by that time was totally disabled, simply did not have the means to fund our college educations. So, I earned my college education through hard work and determination.

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In high school, I worked as a clerk at the local library, and saved my minimum wage earnings. The summer before starting college, I kept my library job and added another waiting tables. Throughout college, I always worked at least one job, and most summers, I worked three. My jobs ran the gamut. I waited tables at three different restaurants, ran errands for two law firms, babysat, tutored student athletes, interned at an advertising agency, did clerical work for a professor, and worked third shift at a radio station. When I walked across the stage at graduation, I had no student loan debt and a 3.95 GPA.

My mother learned the value of hard work from her parents. My grandfather worked multiple jobs to provide for his wife and five children. He started his own business, and steadily built a successful trucking company. My grandmother took care of their home and children, and worked in the office at her husband's business as it grew. Neither of my grandparents had a college degree, but I am grateful that at least my grandmother lived long enough to be there when I earned mine.

My parents divorced when I was twelve, but even before they separated, my father worked late hours and my mother was the primary parent. I was blessed to have an extended family that loved and cared about me. A few of my fond memories include: winning "best presentation board" in fifth grade because my uncle cut an interesting shape from wood on which I glued my facts and figures; learning from another uncle how to drive a car with a manual transmission on back country roads; and, moving in and out of every college apartment with help from yet another uncle, my dad's brother. Two of my aunts were school librarians, and they introduced me to new worlds, adventures, and ideas through books. Another aunt embraced technology, and taught me to use a computer. Another aunt and uncle beautifully play the piano and organ, and inspired my love of music. And finally, my two pairs of aunts and uncles who lost their sons taught me compassion and strength of character.

Though none of them worked in law, my family supported my dream of becoming a lawyer. They encouraged me, prayed for me, and kept my infant child while I commuted daily between Greenwood and Columbia during my last year of law school. Even though my family did not expose me to the legal field, there were events along the way that sparked my interest in the law.

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A junior high school field trip to the Greenwood County Courthouse fascinated me. Writing a paper in high school about Sandra Day O'Connor and her ascension to the United States Supreme Court inspired me. Working for lawyers in college opened my eyes to the variety of areas in which a lawyer could practice. Helping my father, who had Multiple Sclerosis and was wheelchair bound the last ten years of his life, navigate legal, long term care, and medical decisions taught me patience and further ingrained in me that all people, no matter their circumstances, deserve to be treated with respect and dignity.

Though I can never repay my family for all they have given me, I can pay it forward to the next generation. I give back to our community and the legal profession in various ways. For six years, I have served as a volunteer coach for Greenwood High School's mock trial team. I serve on the boards of our local community theater and community foundation. I was honored to serve as a mentor to Daenayia Hudson through the South Carolina Bar's mentoring program, and then humbled to be recognized as a 2019 Mentor of the Year. There to share the moment with me was my mother, sitting beside the Chief Justice of the South Carolina Supreme Court.

By example, my family taught me to be conscientious, courteous, compassionate, and committed. Just like an excellent judge, they paid attention and took time to listen to me. They were patient, kept an open mind when I shared my ideas and dreams, and were committed to seeing me succeed. They knew that work worth doing was worth doing right. The life lessons I learned from them guided me through childhood, college, law school, and my career. I am grateful for them, and know all I've learned from them will serve me well as a Circuit Court Judge.

(11) Commission Members' Comments:

The Commission was impressed with Ms. Merrill's varied and extensive litigation experience and noted that she was well qualified to serve on the Circuit Court bench. The Commission was also impressed with, and appreciated, her service as a mentor with the South Carolina Bar.

(12) Conclusion:

The Commission found Ms. Merrill qualified, but did not nominate her for election to Circuit Court, At-Large, Seat 13.

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**Shawn L. Reeves
Family Court, Fifth Judicial Circuit, Seat 1**

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Reeves meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Reeves was born in 1978. He is 41 years old and a resident of Columbia, South Carolina. Mr. Reeves provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2004.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Reeves.

Mr. Reeves demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Reeves reported that he has made \$16.65 in campaign expenditures for fingerprinting, postage to mail fingerprints to SLED, and stamps to mail application materials.

Mr. Reeves testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Reeves testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Mr. Reeves to be intelligent and knowledgeable.

Mr. Reeves reported that he has taught the following law-related courses:

- (a) Child and Family Services Review overview, Bench Bar Committee, October 26, 2018.
- (b) "Lessons from the IV-E Audit," SCDSS CLE, September 21, 2018.
- (c) "Foster Parent Involvement," SCDSS CLE, April 27, 2018.
- (d) "Best Legal Practices: TPR Cases," SCDSS CLE, February 17, 2017.
- (e) "DSS Permanency Planning Hearings," Family Court Bench Bar, December 2, 2016.

Mr. Reeves reported that he has published the following:
"Social Media Discovery in Family Court," ABA SciTech Law, Spring 2012.

(4) Character:

The Commission's investigation of Mr. Reeves did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Reeves did not indicate any evidence of a troubled financial status. Mr. Reeves has handled his financial affairs responsibly.

The Commission also noted that Mr. Reeves was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Reeves reported that he is not rated by any legal rating organization.

Mr. Reeves reported that he has not served in the military.

Mr. Reeves reported that he has never held public office.

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- (6) Physical Health:
Mr. Reeves appears to be physically capable of performing the duties of the office he seeks.
- (7) Mental Stability:
Mr. Reeves appears to be mentally capable of performing the duties of the office he seeks.
- (8) Experience:
Mr. Reeves was admitted to the South Carolina Bar in 2004.

He gave the following account of his legal experience since graduation from law school:

- (a) Murphy & Grantland, PA, Columbia, SC, Law Clerk and Attorney, 2003-2005. Began working at this firm during law school as a law clerk and then worked as an attorney with the firm after passing the bar exam. Represented insurance companies in civil litigation cases including construction defects cases and personal injury cases; conducted legal research and assisted senior attorneys in this insurance defense practice.
- (b) South Carolina Attorney General's Office, Assistant Attorney General, 2005-2007. Represented the State of South Carolina in criminal appeals before the South Carolina Supreme Court and the South Carolina Court of Appeals; prepared appellate briefs and conducted oral arguments.
- (c) Harvey & Battey, PA, Beaufort, SC, Attorney, 2007-2010. Represented clients in divorce, custody, adoption, and other family court cases; served as guardian ad litem in family court cases involving children; represented clients in general civil litigation cases including property disputes, business disputes, and personal injury lawsuits; represented clients in probate court cases, including guardianships and conservatorships.
- (d) Law Office of Shawn L. Reeves, Columbia, SC, Attorney and Owner, 2010-2016. Represented clients in divorce, custody, adoption, and other family court cases; mediated family court cases; owned and operated a profitable solo family law practice, being solely responsible for the marketing and administration of the business while also practicing law; managed the firm's trust account in

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compliance with the South Carolina Rules Governing the Practice of Law.

- (e) South Carolina Department of Social Services, Assistant General Counsel, 2016-present. Represent the agency in child welfare cases involving foster care, adoption, Interstate Compact on the Placement of Children, foster home licensing, and group home licensing; advise the agency in the development of child welfare policy and procedure; represent the agency in matters involving federal oversight by the United States Department of Health and Human Services; represent the agency in legislative matters including proposed legislation and the promulgation of regulations; represent the agency in administrative hearings and appeals.

Mr. Reeves further reported regarding his experience with the Family Court practice area:

I represented clients in divorce, separate support and maintenance, and equitable distribution cases during my private law practice from 2007 to 2016. I represented clients from various socio-economic backgrounds and therefore handled cases involving very little marital property as well as cases involving significant marital property. Many of these divorce and separation cases involved issues relating to child custody, visitation, and child support. I have represented clients in approximately 150 to 200 cases involving divorce, separation, equitable distribution, child custody, visitation, and/or child support issues. In addition to this litigation experience, I became a certified Family Court mediator in 2012 and mediated numerous cases involving divorce, separation, equitable distribution, child custody, visitation, and/or child support between 2012 and 2016.

Between my private law practice and my current representation of the Department of Social Services, I have had the honor of handling approximately 400 adoption cases. In private practice, I handled relative adoptions, including step-parent adoptions and the domestication of a foreign adoption. I also handled one significant contested adoption case that proceeded through a multiple-day trial. At DSS, I have represented the agency in

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facilitating the adoptions of legally free children from foster care into permanent adoptive homes.

During my private law practice, I represented biological parents in abuse and neglect cases brought against them by DSS. One case that stands out is my representation of a biological mother who sincerely loved her child but who was simply unable to care for the child due to addiction. In the end, this mother agreed to her grandmother having custody of the child. In another case, my client's child had been removed because of my client's incarceration and the other parent's incapacity. My client was incarcerated due to nonpayment of child support of a child in another state. DSS refused to consent to return the child after my client's release from jail. After much litigation and negotiation, I obtained a court order for the return of the child into my client's custody.

In my current role at DSS, I work daily on abuse and neglect issues. County DSS attorneys regularly consult with me on the handling of abuse and neglect cases, and I occasionally attend court hearings relating to abuse and neglect matters, primarily in support of the county attorney's work. Additionally, I advise the DSS administration on the development of agency policy relating to abuse and neglect cases. For example, there is a nationwide shift in child welfare towards prevention of abuse and neglect and towards placement of abused and neglected children in the homes of relatives rather than in foster care or in group homes. This nationwide shift is most clearly evidenced in the passage of the Family First Prevention Services Act (FFPSA). I represent DSS in the planning and policy development to implement the FFPSA.

Juvenile justice is the area where I have had the least experience in the Family Court courtroom. I have never represented a client in a juvenile justice case before the Family Court. However, in my current position at DSS, I have worked with the Department of Juvenile Justice on policy issues relating to children who come into the care of both DSS and DJJ, particularly including children who are victims of sex trafficking or children in foster care who have been involved in criminal activity. Most recently, I have been working on policy and consulting on legislative initiatives to fulfil the requirements of the Family First

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Prevention Services Act requiring that states not significantly increase their juvenile justice populations as a result of child welfare policy. Although I have not handled a juvenile justice case in Family Court, I understand the issues surrounding these cases, and given my other extensive experience in Family Court, I am confident that I will be able to preside over these types of cases.

During my private law practice, I would appear in Family Court regularly, often multiple times per week. During my time at DSS, I appear in Family Court less frequently, generally no more than once or twice per month, primarily because most of my adoption cases are uncontested and do not require my appearance.

Mr. Reeves reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: From 2007 to 2016, I appeared in Family Court generally multiple times per week. Since 2016, I appear in Family Court generally no more than once or twice per month.

Mr. Reeves reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%
- (b) Criminal: 0%
- (c) Domestic: 95%
- (d) Other:

Mr. Reeves reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0% Note that I do have jury trial experience in both Circuit Court and Magistrates Court in my work at Harvey & Battey, PA between 2007 and 2010
- (b) Non-jury: 100%

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Mr. Reeves provided that during the past five years he most often served as sole counsel.

The following is Mr. Reeves' account of his five most significant litigated matters:

(a) I represented a biological mother who had involuntarily signed a relinquishment to her infant child and who wanted her child back. I represented her through a four day trial of the case. Although we did not prevail at trial, the mother was satisfied that she had done what she could have done for the return of her child, and the judge complimented me on my handling of the case. The case was not reported publicly, as it is a confidential adoption matter.

(b) I represented a father in a custody action involving the mother being negligent in the child's educational development. The case went to trial, and my client prevailed. The case was not reported publicly.

(c) I prepared the appellate briefs and conducted oral arguments in the case *SCDSS v. Boulware*, 422 S.C. 1, 809 S.E.2d 223 (2018), which involved the question of whether foster parents had legal standing to petition to adopt a child in foster care where DSS had not consented to the adoption.

(d) I represented the State in the case *State v. Ladner*, 373 S.C. 103, 644 S.E.2d 684 (2007) before the State Supreme Court. The case established certain circumstances where a child's out-of-court statement may be admitted into evidence as a nontestimonial excited utterance.

(e) I represented a grandfather who wanted visitation with his young granddaughter. The mother was keeping the child away from the grandfather, although he had been a significant part of raising the child for the first five to seven years of her life. Through significant litigation, settlement discussions, and formal mediation, we were able to settle the case, and the grandfather was able to once again be a part of the child's life. This case is an important example of my commitment to the mediation process and my belief in families working out their differences for the best interests of children.

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The following is Mr. Reeves' account of four civil appeals he has personally handled:

- (a) Wardlaw v. SCDSS, Opinion No. 5652 (S.C. Ct. App. filed May 29, 2019).
- (b) SCDSS v. Smith, 423 S.C. 60, 814 S.E.2d 148 (2018).
- (c) SCDSS v. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018).
- (d) SCDSS v. Crystal C., Unpublished Opinion No. 2014-UP-100 (S.C. Ct. App. filed March 4, 2014).

The following is Mr. Reeves' account of five criminal appeals he has personally handled:

- (a) State v. Ladner, 373 S.C. 103, 644 S.E.2d 684 (2007).
- (b) State v. Odom, 376 S.C. 330, 656 S.E.2d 748 (Ct. App. 2007).
- (c) State v. Thompson, 374 S.C. 257, 647 S.E.2d 702 (Ct. App. 2007).
- (d) State v. Kinard, 373 S.C. 500, 646 S.E.2d 168 (Ct. App. 2007).
- (e) State v. Rutledge, 373 S.C. 312, 644 S.E.2d 789 (Ct. App. 2007).

(9) Judicial Temperament:

The Commission believes that Mr. Reeves' temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee on Judicial Qualifications found Mr. Reeves to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, "Foreclosure suit was troublesome but gave a reasonable explanation."

Mr. Reeves is married to Amy Carol Reeves. He has three children.

Mr. Reeves reported that he was a member of the following bar and professional associations:

South Carolina Bar. I have been a member of the Children's Law Committee since 2016 and have co-chaired the public

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information subcommittee of the Children's Law Committee for the past two years.

Mr. Reeves provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations: I am a board member (2014-present), former volunteer mediator (2012-2016), immediate past chair (2017-2019), and current secretary of the Midlands Mediation Center, a non-profit organization that offers mediation services primarily for lower income individuals.

Mr. Reeves further reported:

I have focused much of my law practice on helping families through difficult circumstances and on safety, permanency, and well-being for children. I am running to be a Family Court judge because I believe that I can positively impact the lives of the people who come into the Family Court courtroom. I recognize that Family Court often involves the delicate intersection of the law with the private lives and problems of people. Accordingly, my intent is to provide clear decisions after hearing all the evidence and applying the law but to do so with humility, recognizing that there are often no clear-cut, simple answers to the family legal issues that people face.

My perspective as a judge would also be influenced by my strong belief in mediation and alternative dispute resolution. I believe that families can make better decisions for themselves than a judge can make for them, but only if they put aside self-interest and really seek solutions rather than to simply win their case. As a judge, I would encourage parties to resolve their own disputes, but I would be ready to rule on matters where agreement is not possible.

While the position of judge is a high honor, it is a position of a public servant. I would come to that work with dedication and a sense of urgency as to each case before me. I have dedicated myself to a strong work ethic throughout my career. I believe in meeting all deadlines and have rarely asked for extensions to file anything throughout my legal career. My dedication to hard work and my organization skills have been a hallmark of the way

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I practice law, particularly essential in the management of my solo law practice from 2010 to 2016.

Most importantly, I come to this process with a family of my own, understanding the complexity of family life and interactions. My relationships with my wife and children offer daily perspective on navigating family life. These experiences are both rewarding and challenging, as they are for everyone, and they would influence my understanding of the families who come into the courtroom.

- (11) Commission Members' Comments:
The Commission commended Mr. Reeves for his dedication to public service.
- (12) Conclusion:
The Commission found Mr. Reeves qualified, but did not nominate him for election to Family Court, Fifth Judicial Circuit, Seat 3.

**Kathleen Moraska Ferri
Family Court, Ninth Judicial Circuit, Seat 5**

Commission's Findings: QUALIFIED, BUT NOT NOMINATED

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Ferri meets the qualifications prescribed by law for judicial service as a Family Court Judge.
- Ms. Ferri was born in 1963. She is 56 years old and a resident of Wadmalaw Island, South Carolina. Ms. Ferri provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1993.
- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Ferri.

Ms. Ferri demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to

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judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Ferri reported that she has spent \$5.00 in campaign expenditures for fingerprints.

Ms. Ferri testified that she has not:

- (g) Sought or received the pledge of any legislator prior to screening;
- (h) Sought or been offered a conditional pledge of support by a legislator;
- (i) Asked third persons to contact members of the General Assembly prior to screening.

Ms. Ferri testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Ms. Ferri to be intelligent and knowledgeable.

Ms. Ferri reported that she has taught the following law-related courses:

- (a) I taught Family Law to paralegals for the American Institute of Paralegal Studies at the College of Charleston in 1995.
- (b) I served the SC Bar Young Lawyers Division on the Law School for Non-Lawyers Steering Committee.
- (c) I have presented numerous seminars for the general public, women's groups, senior citizens, parent groups, pastors and youth ministers on the topics of Family Law in South Carolina, Estate Planning for Seniors, Your Teen and the Law, and the Responsibilities of Mandated Reporters.
- (d) I co-hosted a weekly 30 minute live-on air radio show called "Legally Speaking" from 1997-2000.
- (e) I have spoken about a career in law at Career Day programs for various public elementary schools.
- (f) I was a presenter for a local DivorceCare group, and at the Charleston School of Law Family Law Society.

Ms. Ferri reported that she has not published any books and/or articles.

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(4) Character:

The Commission's investigation of Ms. Ferri did not reveal evidence of any founded grievances of criminal allegations made against her.

The Commission's investigation of Ms. Ferri did not indicate any evidence of a troubled financial status. Ms. Ferri has handled her financial affairs responsibly.

The Commission also noted that Ms. Ferri was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Ferri reported that she is listed in the Association of American Trial Lawyers Top 100 Debt Collection Attorneys and the National Association of Family Law Attorneys Top 10.

Ms. Ferri reported that she has not served in the military.

Ms. Ferri reported that she has never held public office.

(6) Physical Health:

Ms. Ferri appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Ferri appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Ferri was admitted to the South Carolina Bar in November of 1993.

She gave the following account of her legal experiences since graduation from law school:

(a) Kathleen J. Moraska, Attorney at Law. From 1994-96, I was a solo practitioner with an emphasis on Family Court matters. I handled both uncontested and fault-based divorces on the grounds of physical cruelty, habitual drunkenness and drug abuse, adultery and year's separation. I also represented men and women in custody actions, prosecuting and defending cases

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involving a change of circumstances, relocation, child support, paternity, and visitation. I represented both adoptive parents and birth parents in adoptions, defended individuals charged with abuse and neglect by the Department of Social Services, and represented both Petitioners and defendants at hearings for Order of Protection from Domestic Abuse. I handled all aspects of representation from initial consultation to preparation of pleadings, motion hearings, depositions, discovery, trial and post-trial matters, and Rules to Show Cause. I also attended bond hearings for criminal matters and drafted wills and probated estates. As a solo practitioner, I was responsible for maintaining my firm's operating and trust accounts, and handled or oversaw all aspects of my law practice including billing, office management, time schedules, word processing, marketing, advertising and client contact.

(b) Vincent & Bostic, LLP then Vincent Law Firm, LLC. From 1996 to 2008, I was an associate attorney with these firms in Charleston. I again enjoyed a general practice of law with a Family Court emphasis, including representation of both men and women in motions and trials of divorce on all fault grounds and one year's separation, motions for separate maintenance, division of marital property, determination of pre-marital and non-marital property, division of family businesses, custody, child support, including matters involving domestication of Foreign Orders for Support, alimony, visitation, adoption (representing both adoptive parents and birth parents, and involving the Interstate Compact on Adoption of Children), abuse and neglect of minor children, domestic abuse, serving as a guardian ad litem in contested custody cases and in DSS abuse and neglect cases, post-trial matters involving prosecuting and defending Rules to Show Cause, motions for obtaining children custody of children from other jurisdictions, and multi-state custody litigation involving proof of residency. I worked with many child advocates such as therapists, counselors, pastors, Lowcountry Children's Center staff, psychologists, pediatricians, custody evaluators, teachers, victim advocates, DSS and DJJ case workers, and guardians ad litem. I handled all aspects of representation from initial consultation, preparation of pleadings, responsive pleadings, motions, depositions, discovery, trial and post-trial matters including appellate work, arguing before the SC Court of Appeals and SC Supreme Court.

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I also tried cases in Probate Court and Magistrate Court, and argued motion hearings in General Sessions Court. As an associate attorney, I did not handle any administrative aspects of the firm, nor did I oversee a firm trust account during this time.

(c) Certified Family Court Mediator - 1998 to present. I became a certified Family Court Mediator in 1998 and enjoyed a successful and busy family court mediation practice, mediating cases for divorce, custody, change of custody, child support, reduction of child support and alimony, custodial arrangements involving new spouses, relocation of a custodial parent, change of custody involving grandparents and the death of a custodial parent, child support, and support for special needs children beyond adulthood. My settlement rate is 93%, and I have mediated well over 250 cases.

(d) Attorney to Assist the Office of Disciplinary Counsel. From 2002-16, I served the Bar in this pro bono position, which required me to conduct field investigations of attorneys who had formal complaints filed against them with the SC Bar. After interviewing complainants, attorneys and witnesses, I prepared confidential reports for the Office of Disciplinary Counsel, and offered recommendations of how the matter should be dealt with by the Bar.

(e) Kathleen Moraska Ferri, LLC From 2008 to the present, I have again been a solo practitioner. My Family Court caseload has included all of the types of work previously stated, guardian ad litem work for custody and adoption cases, and mediation of all types of divorce, equitable distribution, support, custody and alimony matters. I expanded my practice to include representing a major credit union in Common Pleas Court with claim and delivery and debt collection actions and supplemental proceedings before the Master in Equity. My probate court caseload includes probating estates, drafting wills and end of life documents, representing individuals before the Therapeutic Determination and Mental Health Court, actions for determination of competency, petitions for appointment of guardianship and conservatorship, as well as actions for the determination of heirs, and quiet title actions before the Master in Equity. As a solo practitioner, I am responsible for all aspects of my firm, including maintaining my firm's operating and trust accounts, billing, and managing conflicts checks and calendar.

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Ms. Ferri further reported regarding her experience with the Family Court practice area:

For 26 years, my practice has always had a strong Family Court emphasis. I have represented husbands, wives, parents, grandparents, adoptive parents, birth parents, psychological parents, foster parents and children of all ages in many types of matters before the Family Court. I have litigated many divorces and cases for division of property including determination of marital property, transmuted property, common law marriage, paternity, custody of infants, school aged children, special needs children, special needs adult children, both private and DSS adoptions, TPR, representation of birth parents, adoptive parents, infants and minors involved in adoptions, representing defendants of all types in DSS abuse and neglect matters, including a 12 day trial of a multi-spouse family charged by DSS. I have represented a few teens with diversion pleas who were involved with the Department of Juvenile Justice, however this is the area of family law with which I have the least experience. However my years as a middle school teacher, 13 years of working with the youth of my church, general knowledge of Family Court procedure, knowledge of the South Carolina Children's Code and the Juvenile Justice Code, as well as strong connection to professionals involved in the mental health community has prepared me to preside over these matters as a Family Court Judge. Within the past 5 years, my frequency of appearance before a Family Court Judge has been less than in prior years since my practice has focused on assisting parties in resolving their cases via mediation. Also, I have appeared with more regularity before the Common Pleas Court and the Probate Court recently due to the expansion of my practice to include these matters.

Ms. Ferri reported the percentage of her practice including civil, criminal, domestic and other matters during the past five years as follows:

- (e) Civil: 50%;
- (f) Criminal: 0%;
- (g) Domestic: 35%;
- (h) Other: Probate: 15%.

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Ms. Ferri reported the percentage of her practice in trial court during the past five years as follows:

- (c) Jury: 0%;
- (d) Non-Jury: 100%.

Ms. Ferri provided that during the percentage of her practice in trial court during the past five years she most often served as sole counsel.

The following is Ms. Ferri's account of her five most significant litigated matters:

(a) James vs. James, 99-UP-642 (South Carolina Court of Appeals filed December 15, 1999) was a contested custody case involving a trial handled by another attorney. The parents were both active duty service members. I represented the father on appeal, and argued before the Court of Appeals. Prior to the appeal being heard, I filed a Writ of Supersedeas for Visitation, which was granted. After a reversal of the trial court, the mother refused to give custody of the child to the father, so I filed a Writ of Habeas Corpus, which was enforced in the State of New York. The mother filed a Petition for Certiorari, which was granted. The Supreme Court also heard oral argument, upheld the decision of the Court of Appeals and my client received custody of the child.

(b) Charleston County DSS vs. Cutler, et. al. I was appointed to represent the father of 5 children who, along with his 2 common law wives, was sued in 3 separate DSS actions. The matter started with children being taken into emergency protective custody due to the diet that the children were being fed, however when several subsequent children were born to the mothers, they were taken from the family too. DSS moved for TPR despite efforts by the family to prove rehabilitation and efforts at reunification therapy. The cases leading up to the trial involved 15 separate hearings. The three cases were consolidated and the TPR matter was tried for 12 days. The TPR was denied and the parents were eventually reunited with their children. Unreported case

(c) Strickland vs. Strickland was a contested post-divorce custody case wherein I was the guardian ad litem, representing 11year old twins. There was an ongoing DSS case as well as a criminal case pending against one of the parents. I interviewed 33 witnesses including police officers, teachers, principals,

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guidance counselors, lawyers, therapists, visitation supervisors, family members, prior guardians, the litigants and minor children in order to represent the minor children at trial and to assist the court in making a custody determination and visitation schedule. Unreported case.

(d) Jackson vs. Jackson was a child custody case that involved the Uniform Child Custody Jurisdiction Act and the home state of minor children. I represented a father who lived in North Carolina. The mother was a resident of Dorchester County. The mother removed the children from North Carolina and brought an action in Dorchester County while the matter was on appeal in North Carolina. I was able to get the matter stayed in SC until the NC appeal was ended. Discovery involved witnesses in both North and South Carolina. Eventually another trial lasting 3 days was held in Dorchester County and father was awarded custody of the children. Unreported case.

(e) Duffy vs. Jenkins, et. al. was an heirs property case that required me to probate 5 intestate estates, then a trial in the Master in Equity court for the determination of heirs. The matter took nearly 4 years to resolve, and involved locating Defendants spanning 4 generations in SC, NY, GA, FL and MS, infant heirs, a guardian ad litem, and a mortgage company. Unreported case.

The following is Ms. Ferri's account of two civil appeal she has personally handled:

(a) James vs. James, Appeal from Charleston County Family Court; Opinion No. 99-UP-642.

(b) Cornwell vs. Cornwell, Appeal from Charleston County Family Court; Case was settled prior to a decision being reported.

Ms. Ferri reported that she has not personally handled any criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Ferri's temperament would be excellent.

(10) Miscellaneous:

The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Ferri "Well Qualified" in the evaluative criteria of ethical fitness, character, reputation, and judicial temperament;

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and “Qualified” in the evaluative criteria of constitutional qualifications, professional and academic ability, physical health, mental stability, and experience. The Committee had no related comments.

Ms. Ferri is married to Michael John Ferri. She has two children.

Ms. Ferri provided that she is a member of the following bar associations and professional associations:

(a) SC Bar Association.

(b) Charleston County Bar Association.

Ms. Ferri provided that she is a member of the following civic, charitable, educational, social, or fraternal organizations:

(a) Blessed Sacrament Catholic Church Stewardship Committee.

(b) Blessed Sacrament Catholic School Advisory Council, Secretary.

(c) Children’s Liturgy and Vacation Bible School Director.

Ms. Ferri further reported:

I have always loved working with children, and throughout my career, both prior to becoming an attorney and while working as an attorney, I have sought to serve children in my community. Through my work as a middle school teacher, my work as a youth mentor through my church and through my involvement with my children’s schools, I have maintained a strong connection with children, pre-teens and teenagers. Through my work with parents of school age children, I have been able to observe many different types of parenting styles and types of families that range from traditional, single parent, adoptive, foster, blended, gay, and multigenerational. I have also had a unique role with those suffering with mental illness. I served for several years as the legal guardian for an incapacitated, mentally ill adult, and saw first-hand the challenges that mental illness brought to her marriage. I believe that life experiences have made me a compassionate person, have honed my communication skills and have given me a wisdom and ability to discern truth about many difficult family situations. I believe that all of my life experiences would make me an asset to the people of South Carolina.

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- (11) Commission Members Comments:
The Commission commended Ms. Ferri for her community service and found she was qualified to serve as a Family Court judge.
- (12) Conclusion:
The Commission found Ms. Ferri qualified, but did not nominate her for election to Family Court, Ninth Judicial Circuit, Seat 5.

Deanne M. Gray
Family Court, At-Large, Seat 1

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Ms. Gray meets the qualifications prescribed by law for judicial service as a Family Court judge.

Ms. Gray was born in 1972. She is 47 years old and a resident of Summerville, South Carolina. Ms. Gray provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2000. She was also admitted to the Texas Bar in 2006.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Gray.

Ms. Gray demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Gray reported that she has not made any campaign expenditures.

Ms. Gray testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;

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- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Gray testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Ms. Gray to be intelligent and knowledgeable.

Ms. Gray reported that she has taught the following law-related courses:

I lectured at the 2019 Charleston County Bar Program "DSS Abuse & Neglect Cases."

Ms. Gray reported that she has not published any books or articles.

- (4) Character:
The Commission's investigation of Ms. Gray did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Gray did not indicate any evidence of a troubled financial status. Ms. Gray has handled her financial affairs responsibly.

The Commission also noted that Ms. Gray was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

- (5) Reputation:
Ms. Gray reported that she is not rated by any legal rating organization.

Ms. Gray reported that she has not served in the military.

Ms. Gray reported that she has never held public office.

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- (6) Physical Health:
Ms. Gray appears to be physically capable of performing the duties of the office she seeks.
- (7) Mental Stability:
Ms. Gray appears to be mentally capable of performing the duties of the office she seeks.
- (8) Experience:
Ms. Gray was admitted to the South Carolina Bar in 2000.

She gave the following account of her legal experience since graduation from law school:

- (a) Law Clerk, South Carolina Court of Appeals, August 1999-August 2002 Drafted opinions and orders, read and analyzed trial records and briefs, participated in pre-oral argument court conferences, performed legal research, supervised two junior law clerks;
- (b) Assistant Solicitor, Charleston County Family Court, August 2002-February 2006. Prosecuted juvenile criminal offenses, including all sexually based offenses, worked closely with law enforcement agencies, prepared and presented training materials to law enforcement;
- (c) Prosecuting Attorney, City of Fort Worth, Texas, June 2007-February 2008. Prosecuted state and local offenses in the City's municipal courts, prepared cases and pre-trial hearings, negotiated appropriate settlements with attorney representatives and un-represented defendants, represented the State in hearings regarding Emergency Protective Orders;
- (d) Assistant City Attorney, City of Fort Worth, Texas, February 2008-June 2008. Researched legal questions and evaluate the impact on city policies and procedures, provide advice to city management staff, filed charges, prosecute and/or negotiated pending cases against violators, supervised work of staff responsible for providing legal assistance to the City;
- (e) Managing County Attorney Dorchester County DSS, May 2013-Present. Represent SCDSS in Court and at administrative hearings, in addition to providing legal advice for county Child Protective Services and Adult

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Protective Services staff. Manage the county legal offices and will hire, fire, train and supervise and manage attorneys and paralegals in the legal offices. Assume final responsibility for the county to ensure good working relationships and communication between county legal office and other system stakeholders. Manage work flow for timeliness and statutory compliance.

Ms. Gray further reported regarding her experience with the Family Court practice area:

Divorce and Equitable Division 0%

As a law clerk for the SC Court of Appeal, I reviewed many divorce cases. In addition, while appearing frequently in Family Court on behalf of the DSS, I have observed numerous divorce actions and reviewed the Divorce Orders in order to explain provisions of the order to DSS staff.

Child Custody 2%

I appear on behalf of SCDSS in private custody actions where the Department is involved with the family during the pendency of the private action to gain information regarding the provisions of custody and visitation that impact the children.

Adoption 3%

I have begun appearing on behalf of SCDSS in adoption hearings where foster parents or other individuals have filed a private action seeking to adopt a child in SCDSS custody who is not yet legally free.

Abuse and Neglect 75%

I have served as the Managing County Attorney for Dorchester County DSS for the last six years handling Probable Cause, Merits, Permanency Planning and Termination of Parental Rights hearings.

Juvenile Justice 20%

I served as an Assistant Solicitor in Charleston County for two years prosecuting juvenile offenders and participating in Detention, Adjudicatory, and Dispositional hearings. During this time I handled all juvenile sexually based

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offenses. I also was the lead attorney in a waiver hearing to General Sessions Court.

For the last year years, I appear before the Family Court every Thursday afternoon for the DSS Summary Docket and one full day a month for a Contested DSS Docket. I also appear before the Court for juvenile hearings, private actions and any other hearings where DSS is involved. On an average week, I appear in Family Court at least twice a week and average approximately 12-15 cases a week.

Ms. Gray reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Weekly

Ms. Gray reported the percentage of her practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 5%
- (b) Criminal: 5%
- (c) Domestic: 90%
- (d) Other:

Ms. Gray reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Ms. Gray provided that during the past five years she most often served as sole counsel.

The following is Ms. Gray's account of her five most significant litigated matters:

- (a) SCDSS v. A.W., et. al. This emergency removal and termination of parental rights case involved a minor child in foster care, foster parents who filed a private action seeking termination of parental rights/adoption action and third parties who filed a private adoption action after obtaining consent relinquishments from the birth parents;

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- (b) SCDSS v. M.J. This emergency removal case involved minor children who were adopted after the birth parents' rights were terminated. The adoptive mother allegedly began physically abusing the minor children shortly after the adoption. One of the minor children testified during the five (5) day Merits Hearing;
- (c) SCDSS v. M.L., et. al. The termination of parental rights action was filed involving a birth parents who were arrested on federal charges. A great deal of time was spent getting information from the US Attorneys Office regarding the status of the federal charges to determine how best to present to the Family Court that termination of parental rights was in the best interests of the minor child;
- (d) State v. R.S. I prosecuted a juvenile for several counts of criminal sexual conduct with a minor. I prepared the five (5) year old victim to testify and worked with the Clerk's office to us closed circuit testimony after the Family Court granted the appropriate motions;
- (e) SCDSS v. D.M., et. al. The termination of parental rights action involved a minor child with numerous allergies, medical conditions and behavioral issues. Defense counsel argued that these conditions made the minor child "unadoptable" and therefore, termination of parental rights was not in the minor child's best interests. After working closely with his treating physicians and counselors, I was able successfully argue that termination of parental rights was in the minor child's best interests.

Ms. Gray reported she has not personally handled any civil or criminal appeals.

- (9) Judicial Temperament:
The Commission believes that Ms. Gray's temperament would be excellent.
- (10) Miscellaneous:
The Lowcountry Citizens Committee on Judicial Qualifications found Ms. Gray to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and

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“Qualified” in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, “Very well qualified, impressive, great experience from heading up DSS in Dorch Cty for 6 years - Very Good Demeanor.”

Ms. Gray is married to John William Gray Jr. She has two children.

Ms. Gray reported that she was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Dorchester County Bar Association
- (c) Dorchester County Family Court Liaison Committee.

Ms. Gray provided that she was not a member of the following civic, charitable, educational, social, or fraternal organization. Hickory Ridge Home Owner’s Association, Secretary and President.

Ms. Gray further reported:

I have spent the majority of my legal career practicing in the South Carolina Family Court. During this time, I have been blessed to appear in front of a diverse group of judges that have been shining examples of the type of judge I plan to be in the future. These judges have shown me how a judge can be tough, but fair. They have shown me how judges can hold attorneys to a high standard, but also mentor those same attorneys to become better litigators and members of the bar.

During my personal life, my life as a military spouse, and now as DSS attorney, I have been exposed to a wide array of individuals, cultures, and circumstances. I have handled cases that involve issues of substance abuse, extreme physical abuse and neglect, sexual abuse and domestic violence. These experiences have allowed me to develop a professional demeanor when arguing these cases and not let my emotions rule my judgement, decisions, and interactions because every individual who appears before the Court deserves to be treated with respect no matter the allegations they are facing.

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- (11) Commission Members' Comments:
The Commission commented that Ms. Gray was an eloquent and enthusiastic candidate.
- (12) Conclusion:
The Commission found Ms. Gray qualified, but did not nominate her for election to Family Court, At-Large, Seat 1.

Robert W. Cone
Family Court, At-Large, Seat 2

**Commission's Findings: QUALIFIED, BUT NOT
 NOMINATED**

- (1) Constitutional Qualifications:
Based on the Commission's investigation, Mr. Cone meets the qualifications prescribed by law for judicial service as a Family Court judge.

Mr. Cone was born in 1971. He is 48 years old and a resident of Greenwood, South Carolina. Mr. Cone provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1998.

- (2) Ethical Fitness:
The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Cone.

Mr. Cone demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Cone reported that he has not made any campaign expenditures.

Mr. Cone testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;

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- (c) asked third persons to contact members of the General Assembly prior to screening.

Mr. Cone testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

- (3) Professional and Academic Ability:
The Commission found Mr. Cone to be intelligent and knowledgeable.

Mr. Cone reported that he has taught the following law-related courses:

- a) I have presented at CLEs for the Department of Social Services' new attorneys boot camp on the roles and responsibilities of agency attorneys in 2016, 2017, 2018, and 2019.
- b) I have presented at a CLE on "Effective Advocacy in Termination of Parental Rights Proceedings" in February, 2017.
- c) In September, 2013 and 2014, I presented a CLE on Abuse and Neglect cases for attorneys and volunteer guardians ad litem in Greenwood and Abbeville counties.
- d) I have taught the course on "Consumer Law and Debt Collection in South Carolina" for the South Carolina Bar's Law School for Nonlawyers at Piedmont Technical College in Greenwood, South Carolina in 2007, 2008, and 2011.
- e) I presented a seminar on "Mechanic's Liens and Collections in South Carolina", Greenwood Home Builders Association. January, 2002
- f) I presented a seminar on "The Church Under Fire, Youth Ministry and the Law" Greater Greenwood Youth Ministries (GYM), October, 2003.
- g) I presented a seminar on "Sexual Harassment and Schools", Ninety-Six Primary School Faculty, September, 2005.
- h) I taught a class on Business Law at Lander University during the Fall Semester of 2000.

Mr. Cone reported that he has not published any books or articles.

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(4) Character:

The Commission's investigation of Mr. Cone did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Cone did not indicate any evidence of a troubled financial status. Mr. Cone has handled his financial affairs responsibly.

The Commission also noted that Mr. Cone was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Cone reported that he is not rated by any legal rating organization.

Mr. Cone reported that he has not served in the military.

Mr. Cone reported that he has held the following public office: I served as the Town Attorney for the Town of McCormick, South Carolina from 1999 to 2008. I was appointed to that position by the Town Council, and reappointed on an annual basis. I ended my service when I was appointed Municipal Court Judge for the Town of Ninety-Six, SC.

(6) Physical Health:

Mr. Cone appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Cone appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Cone was admitted to the South Carolina Bar in 1998.

He gave the following account of his legal experience since graduation from law school:

- a) McDonald, Patrick, Baggett, Poston, and Hemphill, L.L.P., 414 Main Street, Greenwood, South Carolina. Associate attorney. From 1998 to 2002, my practice primarily involved

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insurance defense litigation in personal injury, medical malpractice, and tort cases filed against state agencies insured through the South Carolina Insurance Reserve Fund. Due to changes in insurance practices and experience I was gaining representing persons in Family Court, I began to develop a practice in the field of family law and shifted my focus to that field in 2002. From 1998 to 2005 I also handled estate planning, probate matters, business formations, debt collection, and bankruptcy matters for business clients.

- b) The Cone Law Firm, PC, 128 Maxwell Avenue, Greenwood, SC 29646, November 2005 to April, 2012. I opened my own law firm in 2005 and operated as a solo practitioner. My practice focused on civil litigation, specifically in family law. I also handled probate matters, bankruptcy cases, debt collection, business formations and estate planning. During this time I became a contract attorney for the Department of Social Services, representing the agency in child welfare, abuse and neglect cases. I served as the sole attorney, managing the firm's trust account and paralegal staff.
- c) South Carolina Department of Social Services, April, 2012 to April, 2016. Managing Attorney for Greenwood, Abbeville, and Newberry counties. I became a full time employee of the Department of Social Services and represented the agency in child welfare, abuse and neglect cases. I primarily operated in the Eighth Judicial Circuit, but would conduct trials in numerous counties when other agency attorneys were unavailable. I supervised two paralegals during this time.
- d) South Carolina Department of Social Services, April, 2016 to July, 2019. Regional Managing Attorney for the Second, Eighth, and Eleventh Judicial Circuits. I was promoted to Regional Managing Attorney, supervising a legal staff of 7 attorneys and 8 paralegals. During my tenure the legal staff grew to 10 attorneys and 13 paralegals, plus three contract attorneys. I was responsible for the overall management of the Department's caseload across the 11 counties of the three Circuits. I handled all personnel matters, addressed specific case issues, conducted legal research, and handled high priority or complex legal cases in all of the counties. I also filled in as county attorney when there were vacancies or other absences. I also maintained professional

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relationships between the Department and other participants in the Family Court system related to abuse and neglect cases, including judges, clerks of court, law enforcement, the Department of Juvenile Justice, guardians ad litem, and opposing counsel.

- e) South Carolina Department of Social Services, July, 2019 to present. Assistant Managing Attorney for County Operations, Office of General Counsel. In July I was promoted to this position, assisting the Managing Attorney for all county legal operations across the state. I am responsible for developing and conducting training programs for agency attorneys, paralegals, and case management staff on issues pertaining to the Department's participation in the Family Court system. I also administer the agency's Legal Case Management software system and train users on its proper use. I serve as agency liaison to the state's Court Improvement Project and the Bench/Bar Committee on child welfare issues.

Mr. Cone further reported regarding his experience with the Family Court practice area:

In preparing my response to this question, I reviewed my case files going back to 1998. I found that since that time, I have handled more than 200 private Family Court cases, including cases where I represented husbands, wives, mothers, fathers, and grandparents in cases involving divorce, equitable division of property, and child custody/child support.

I have served as a private Guardian ad litem in more than 40 cases, representing the interests of children in contested custody matters. I have also been fortunate to represent 19 families in private adoption cases. I have also been appointed to represent juveniles as their Guardian ad Litem in a number of Juvenile Justice cases.

Beginning in the fall of 2007, I began representing the Department of Social Services as a contract attorney, handling child abuse, child neglect, adult abuse, and adult neglect cases.

These numbers reflect my Family Court experience as a private attorney, and cases I was either hired or appointed to represent individuals.

Beginning in April, 2012, when I joined the Department of Social Services as a full time attorney, I continued to represent the Department in child abuse, child neglect, adult abuse, and

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adult neglect cases. These cases included termination of parental rights actions and appeals. From 2012 to 2016, I handled between 100 to 125 cases per year.

In 2016, I changed positions and moved into a more managerial role, but continued to appear in court and train new attorneys on the correct processes and procedures for representing the Department in Family Court.

Mr. Cone reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: None
- (b) State: Multiple days each week.

Mr. Cone reported the percentage of his practice involving civil, criminal, domestic and other matters during the past five years as follows:

- (a) Civil: 1% (Probate work for vulnerable adults)
- (b) Criminal: 2% (Department of Juvenile Justice)
- (c) Domestic: 97%
- (d) Other:

Mr. Cone reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 0%
- (b) Non-jury: 100%

Mr. Cone provided that during the past five years he most often served as sole counsel except for a handful of cases in the past three years where he sat second chair with a new attorney as part of their training.

The following is Mr. Cone's account of his five most significant litigated matters:

- (a) Burton v. Molen, 2008-DR-01-35 (Abbeville County).
This is a case where I represented the biological father in a custody dispute. The child in question was three years old when the mother left South Carolina without warning and took the child to Texas. Over a period of nearly 2 years, we engaged in a complex legal proceeding, with hearings in both South Carolina and Texas, to try and return the child to South Carolina. While the case was on appeal, we were able to negotiate

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a settlement that resulted in joint custody for my client. This was one of the most challenging cases of my legal career, involving multiple hearings in more than one jurisdiction, and working with agencies such as the FBI, and the National Center for Missing and Exploited Children.

- (b) SCDSS vs. Sharpe, et al. 2007-DR-01-190; 2012-DR-01-46 (Abbeville County)

This was a contested termination of parental rights action where the minor children had been victims of sexual abuse, and because of many procedural delays, the minor children had been in foster care for nearly 5 years without a resolution. A particular challenge was the mother's continued participation in some treatment efforts and regular contact with the children, but this had to be considered in the context that she remained in contact with the children's abuser. After a lengthy trial, we were successful in having the parents' rights to the children terminated, making them free for adoption.

- (c) Carter v. Hayford, 2006-DR-24-583 (Greenwood County).

This was a case where I served as the Guardian ad litem for a young girl whose parents been divorced for several years. The mother had remarried, and was seeking to relocate with the child to the state of Kentucky. The father opposed the move and sought a change of custody. Ultimately, we were able to resolve the case on the eve of trial and established a visitation plan that allowed the child to move, but still gave father substantial visitation throughout the year. This case was significant to me because of the challenge involved in choosing between two good parents, both of whom were deeply involved in the child's life.

- (d) SCDSS v. Balasty, 2013-DR-24-78; 2015-DR-24-536

This was a case involving severe and repeated neglect of young children by a mother who had mental health, substance abuse, and violent behavioral issues. The case involved two children, and one of the more contentious issues was a custody dispute as to one of the children. A set of maternal relatives sought custody of the child, as did the child's stepfather, who had been the child's caregiver for years. Issues of the value of biological

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versus psychological attachment played a large role in this case.

- (e) SCDSS v. Crawford, 2013-DR-01-66 (Abbeville County)

This case began as an educational neglect case, but ended with the parent losing full custody of her children. It became a complex case due to the intervention of maternal relatives, and also the participation of one child's biological father, who lived out of state, and was deployed on military service during the pendency of the case. It was a complex matter, dealing with overlapping jurisdictional issues and the need to compliance with the federal Service Member's Relief Act.

The following is Mr. Cone's account of five civil appeals he has personally handled:

- (a) Joubert v. South Carolina Department of Social Services, 341 S.C. 176, 534 S.E.2d 1 (Ct. App. 2000)
(b) Allegiant v. Emerald Inns, Inc., 2007-UP-325, Court of Appeals, 2007.
(c) South Carolina Dept. of Social Services v. Driggers, 2015-UP-038, Court of Appeals, 2015.
(d) South Carolina Dept. of Social Services v. Gary, 2006-UP-288, Court of Appeals, 2006.
(e) South Carolina Dept. of Social Services v. May, 2017-UP-447, Court of Appeals, 2017.

Mr. Cone reported he has not personally handled any criminal appeals.

Mr. Cone further reported the following regarding unsuccessful candidacies:

a) In 2010, I ran for the office of Probate Judge for Greenwood County. After a contested primary in June, 2010, I was the Republican candidate for Probate Judge. I lost in the general election in November, 2010.

b) In 2012, I was a candidate for Family Court Judge, Eighth Judicial Circuit, Seat 3. I was found qualified, but not nominated for the position.

- (9) Judicial Temperament:

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The Commission believes that Mr. Cone's temperament would be excellent.

(10) Miscellaneous:

The Piedmont Citizens Committee on Judicial Qualifications found Mr. Cone to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the evaluative criteria of constitutional qualifications, mental stability, and physical health. The Committee also stated, "Mr. Cone served as a private practitioner with a heavy family law emphasis for over ten years before joining the Department of Social Services, where he has served as a practicing lawyer and managing lawyer at multiple levels. He would bring to the Family Court bench a breadth and depth of family court experience (especially in child abuse and neglect cases) that would be of great service to our State."

Mr. Cone is married to Emily Willard Cone. He has one child.

Mr. Cone reported that he was a member of the following bar and professional associations:

- (a) South Carolina Bar Association
- (b) Greenwood County Bar Association

Mr. Cone provided that he was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Cub Scout Pack 921, Greenwood SC. Den Leader 2014-2015; Cubmaster 2016-2019.
- (b) Boy Scout Troop 313, Greenwood, SC. Assistant Scoutmaster February 2019 - present
- (c) F3 Men's Fitness Club, 2015 – present.
- (d) Greenwood County Library Board. Chairman, 2014-2016.

Mr. Cone further reported:

Throughout my life, I have had a strong desire to serve and help people. I once considered careers in ministry and later, in medicine, but found that my skills and abilities were best suited for the practice of law. Over the years, I have seen the tremendous impact the court system can have on families. I think I was drawn to family law because you can have a real impact

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on the lives of families and individuals in the decisions you make in cases you pursue in family court. While family law has not been as financially rewarding as other areas of law can be, it has given me great personal satisfaction to help individuals and families deal with some of the most tumultuous events of their lives.

In recent years, serving the state as an advocate for child welfare, I have seen the critical role Family Court judges have to make each day. Most decisions they are called upon to make will have life-long impacts on families and their children, but they are forced to make those decisions in a limited span of time and without complete information. While a prestigious post, Family Court judges are required to work at a demanding pace, week-in and week-out. At the same time, it promotes injustice and causes harm to children and families when decisions are left “in abeyance” or “under advisement” for prolonged periods of time, leaving children and families in limbo as to their future.

Based on these experiences, I have come to believe that, as a judge, it is crucial that you listen carefully to the evidence presented to you, consider the facts and the law, and then make a decision as quickly as possible. After 21 years of law practice, I believe more than ever in the old axiom, “Justice delayed is justice denied.” Particularly in family court cases, it is crucial that children and families know what the outcome of their cases will be as quickly as possible, as uncertainty or delay only exacerbates the stresses caused by domestic litigation. Children lingering in the foster care system, juvenile offenders forced to wait for treatment or rehabilitative services, or adoptive parents who must sometimes wait years for their adoption to be finalized and their family made whole, are just a few examples of how delayed decisions cause real harm when it comes to families and children.

Some might be concerned that, given my recent history of working for the Department of Social Services, I might be too lenient on the Department and its staff when they appear before me. I can only say that, in my role today, I spend much of my time pointing out errors in investigations and addressing inconsistencies in practice regarding issues of custody, visitation, and treatment. I have a great deal of sympathy for the parents who become involved in DSS cases. Most of them are not acting out of malice or hatred towards their children, they simply don’t understand or have never been taught what it means

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to be a parent. Courts should make sure that these parents are given a fair chance to make things right in their life, but also be ready to make the tougher decisions about the children's best interests when the parents have shown themselves unable to make things right.

I would hope that my experience would allow me to resolve cases quickly, fairly, and with wisdom and courtesy for all the parties and attorneys. That is how I have tried to conduct myself in my practice, and how I plan to continue as a judge.

(11) Commission Members' Comments:

The Commission commented that Mr. Cone was an impressive candidate with a dedication to public service.

(12) Conclusion:

The Commission found Mr. Cone qualified, but did not nominate him for election to Family Court, At-Large, Seat 2.

CONCLUSION

The Judicial Merit Screening Commission found the following candidates QUALIFIED AND NOMINATED:

SUPREME COURT

SEAT 5

The Honorable George C. James Jr.

COURT OF APPEALS

SEAT 7

The Honorable Stephanie Pendarvis McDonald

CIRCUIT COURT

AT-LARGE, SEAT 11

The Honorable Alison Renee Lee

AT-LARGE, SEAT 13

Amanda A. Bailey

Debbie Chapman

The Honorable Marvin H. Dukes III

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FAMILY COURT

THIRD JUDICIAL CIRCUIT, SEAT 3

Ernest Joseph Jarrett

FOURTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Michael S. Holt

FIFTH JUDICIAL CIRCUIT, SEAT 1

Blakely Copeland Cahoon

Laurel Eden Harvey Hendrick

C. Vance Stricklin Jr.

SIXTH JUDICIAL CIRCUIT, SEAT 2

The Honorable Debra A. Matthews

NINTH JUDICIAL CIRCUIT, SEAT 5

Spiros Stavros Ferderigos

Marissa K. Jacobson

Julianne M. Stokes

TENTH JUDICIAL CIRCUIT, SEAT 3 M.

Scott McElhannon

Brittany Dreher Senerius

THIRTEENTH JUDICIAL CIRCUIT, SEAT 5

The Honorable Tarita A. Dunbar

FOURTEENTH JUDICIAL CIRCUIT, SEAT 2

Jean K. McCormick

The Honorable Douglas L. Novak

FIFTEENTH JUDICIAL CIRCUIT, SEAT 3

The Honorable Ronald R. Norton

AT-LARGE, SEAT 1

Kimaka (Kim) Nichols-Graham

Martha M. Rivers Davisson

R. Chadwick (Chad) Smith

AT-LARGE, SEAT 2

The Honorable Bryan C. Able

Timothy E. Madden

Rebecca West

ADMINISTRATIVE LAW COURT

SEAT 3

The Honorable Harold W. (Bill) Funderburk Jr.

SEAT 4

The Honorable Deborah Brooks Durden

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Respectfully submitted,



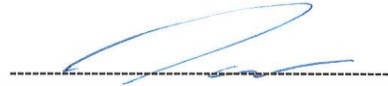
Senator Luke A. Rankin




Representative G. Murrell Smith Jr.



Senator Ronnie A. Sabb



Representative J. Todd Rutherford



Senator Tom Young Jr.



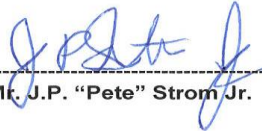
Representative Chris Murphy



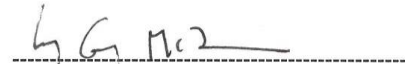
Ms. Hope Blackley-Logan



Mr. Andrew N. Safran



Mr. J.P. "Pete" Strom Jr.



Ms. Lucy Grey McIver

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APPENDIX

**Report from the South Carolina Bar Judicial Qualifications
Committee**

**The Honorable George C. James Jr.
Supreme Court, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Justice James' candidacy for Supreme Court, Seat 5 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Stephanie Pendarvis McDonald
Court of Appeals, Seat 7**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge McDonald's candidacy for Court of Appeals, Seat 7 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Alison Renee Lee
Circuit Court, At-Large, Seat 11**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Lee's candidacy for Circuit Court, At-Large, Seat 11 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Ms. Amanda A. Bailey
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Bailey's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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Ms. Erin E. Bailey

Circuit Court, At-Large, Seat 13

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Bailey's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

Ms. Debbie Chapman

Circuit Court, At-Large, Seat 13

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Chapman's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Joe M. Crosby
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Crosby's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

**Mr. H. Steven DeBerry IV
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. DeBerry's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

* Concerns were raised as to the candidate's knowledge of procedural law.

THURSDAY, JANUARY 16, 2020

**The Honorable Marvin H. Dukes III
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Dukes' candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Mr. William Vickery Meetze
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Meetze's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Ms. Jane H. Merrill
Circuit Court, At-Large, Seat 13**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Merrill's candidacy for Circuit Court, At-Large, Seat 13 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts.

**Mr. Ernest Joseph Jarrett
Family Court, 3rd Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Jarrett's candidacy for Family Court, 3rd Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**The Honorable Michael S. Holt
Family Court, 4th Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Holt's candidacy for Family Court, 4th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Ms. Blakely Copeland Cahoon
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Cahoon's candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

THURSDAY, JANUARY 16, 2020

**Ms. Laurel Eden Harvey Hendrick
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Hendrick's candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

**Mr. Shawn L. Reeves
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Reeves' candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Mr. C. Vance Stricklin Jr.
Family Court, 5th Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Stricklin's candidacy for Family Court, 5th Judicial Circuit, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Debra A. Matthews
Family Court, 6th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Matthews' candidacy for Family Court, 6th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

**Mr. Spiros Stavros Ferderigos
Family Court, 9th Judicial Circuit, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Ferderigos' candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Ms. Kathleen Moraska Ferri
Family Court, 9th Judicial Circuit, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Ferri's candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

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Ms. Marissa K. Jacobson
Family Court, 9th Judicial Circuit, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Jacobson's candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

Ms. Julianne M. Stokes
Family Court, 9th Judicial Circuit, Seat 5

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Stokes' candidacy for Family Court, 9th Judicial Circuit, Seat 5 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

THURSDAY, JANUARY 16, 2020

Mr. M. Scott McElhannon
Family Court, 10th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. McElhannon's candidacy for Family Court, 10th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Ms. Brittany Dreher Senerius
Family Court, 10th Judicial Circuit, Seat 3

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Senerius' candidacy for Family Court, 10th Judicial Circuit, Seat 3 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Tarita A. Dunbar
Family Court, 13th Judicial Circuit, Seat 5**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Dunbar's candidacy for Family Court, 13th Judicial Circuit, Seat 5 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Ms. Jean K. McCormick
Family Court, 14th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. McCormick's candidacy for Family Court, 14th Judicial Circuit, Seat 2 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Well-Qualified
Experience	Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Douglas L. Novak
Family Court, 14th Judicial Circuit, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Novak's candidacy for Family Court, 14th Judicial Circuit, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Ronald R. Norton
Family Court, 15th Judicial Circuit, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Norton's candidacy for Family Court, 15th Judicial Circuit, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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**Ms. Deanne M. Gray
Family Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Gray's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

**Ms. Kimaka Nichols-Graham
Family Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Nichols-Graham's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Well-Qualified
Professional and Academic Ability	Qualified
Reputation	Qualified
Experience	Qualified
Judicial Temperament	Qualified

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**Ms. Martha M. Rivers Davisson
Family Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Rivers Davisson's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

* Committee was unable to reach a goal of 30 interviews completed, indicating knowledge of candidate, despite extraordinary efforts.

**Mr. R. Chadwick Smith
Family Court, At-Large, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Smith's candidacy for Family Court, At-Large, Seat 1 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Bryan C. Able
Family Court, At-Large, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Able's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**Mr. Robert W. Cone
Family Court, At-Large, Seat 2**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Cone's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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Mr. Timothy E. Madden
Family Court, At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Madden's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

Ms. Rebecca West
Family Court, At-Large, Seat 2

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. West's candidacy for Family Court, At-Large, Seat 2 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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**The Honorable Harold W. Funderburk Jr.
Administrative Law Court, Seat 3**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Funderburk's candidacy for Administrative Law Court, Seat 3 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

**The Honorable Deborah Brooks Durden
Administrative Law Court, Seat 4**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Durden's candidacy for Administrative Law Court, Seat 4 is as follows:

Overall	Well-Qualified
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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Motion Adopted

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

ADJOURNMENT

At 12:55 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, January 17, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator JACKSON.

ADJOURNMENT

At 11:04 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Tuesday, January 21, 2020, at 2:00 P.M.

* * *

Tuesday, January 21, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Jeremiah 9:23-24

“Thus says the Lord: ‘Let not the wise man boast in his wisdom, let not the mighty man boast in his might, let not the rich man boast in his riches, but let him who boasts boast in this, that he understands and knows me, that I am the Lord who practices steadfast love, justice and righteousness in the earth. For in these things I delight, declares the Lord.’ ”

Let us pray. Almighty God, You are the Lord of history, who calls ordinary people and anoints them with charisma and spiritual power to lead us through times of peril and social change. Yesterday we celebrated the birthday of just such a man, Dr. Martin Luther King. We praise You, O God, for his life and inspired leadership in the cause of racial justice and equality for all people. As we honor his memory, we ask You to cleanse any prejudice from our hearts and empower these Senators to respond to Dr. King’s clarion call to assure equality for all God’s children. May his dream resonate not only in this Chamber but deep in our hearts! Through the power of Your Holy Spirit we pray, Amen.

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

Point of Quorum

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

Call of the Senate

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

Alexander
Campbell

Allen
Campsen

Bennett
Cash

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Climer	Cromer	Fanning
Gregory	Grooms	Hembree
Martin	Massey	Peeler
Rice	Scott	Senn
Setzler	Shealy	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

Recorded Presence

Senators GOLDFINCH and SHEHEEN recorded their presence subsequent to the Call of the Senate.

Leave of Absence

At 2:07 P.M., Senator CAMPBELL requested a leave of absence for Senator VERDIN for the day.

CO-SPONSORS ADDED

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

S. 660	Sen. Davis
S. 870	Sen. Williams
S. 976	Sen. Corbin
S. 998	Sen. Campbell
S. 1006	Sen. Climer

RECALLED

S. 832 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH GORDON DRIVE TO THE BOWMAN TOWN LIMIT "COUNCILMAN NATHANIEL 'NAY' GAINES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

TUESDAY, JANUARY 21, 2020

RECALLED

S. 1000 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 701 NORTH FROM ITS INTERSECTION WITH THE CITY LIMITS OF THE CITY OF LORIS TO A POINT ONE MILE NORTH OF THIS INTERSECTION, AND THE PORTION OF UNITED STATES HIGHWAY 701 SOUTH FROM ITS INTERSECTION WITH THE CITY LIMITS OF THE CITY OF LORIS TO A POINT ONE MILE SOUTH OF THIS INTERSECTION "HENRY L. NICHOLS HIGHWAY", AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG BOTH PORTIONS OF HIGHWAY THAT CONTAIN THESE WORDS.

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

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

RECALLED

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

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

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

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1019 -- Senator McLeod: A BILL TO AMEND SECTION 59-26-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCREASE IN PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, SO AS TO PROVIDE THAT A TEACHER WITH AN ACTIVE TEACHING CERTIFICATE WHO MEETS CERTAIN NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS RENEWAL REQUIREMENTS SHALL RECEIVE AN ANNUAL INCREASE IN PAY.

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

S. 1020 -- Senator Climer: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD THE CRESCENT AND HANDS MILL 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.

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

S. 1021 -- Senator Sheheen: A BILL TO AMEND SECTION 50-1-90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LANDS OF OTHERS AND RELATED PENALTIES, TO PROVIDE A PENALTY FOR ILLEGALLY DUMPING LITTER OR SOLID WASTE IN EXCESS OF FIFTEEN POUNDS ON ANOTHER PERSON'S PRIVATE PROPERTY.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

TUESDAY, JANUARY 21, 2020

S. 1022 -- Senator Sheheen: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A FIVE-YEAR PLAN TO REDUCE THE STATE'S PRODUCTION OF ORGANIC WASTE.

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

S. 1023 -- Senator Sheheen: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT RESEARCH INTO MICROPLASTIC CONTAMINATION.

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

S. 1024 -- Senator Sheheen: A BILL TO AMEND TITLE 48 OF THE 1976 CODE, RELATING TO ENVIRONMENTAL PROTECTION AND CONSERVATION, BY ADDING CHAPTER 61, TO ESTABLISH THE GOAL OF PROTECTING THIRTY PERCENT OF THE STATE OF SOUTH CAROLINA BY NOT LATER THAN 2030, TO ESTABLISH THE THIRTY-BY-THIRTY INTERAGENCY TASKFORCE, TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF PLANS BY STATE AGENCIES TO ACHIEVE THIS GOAL, AND TO PROVIDE REPORTING REQUIREMENTS.

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

S. 1025 -- Senator Sheheen: A JOINT RESOLUTION TO DIRECT THE STATE ENERGY OFFICE TO DEVELOP AND PROVIDE RECOMMENDATIONS TO IMPLEMENT A PLAN TO MAKE ALL STATE GOVERNMENT OPERATIONS CARBON FREE BY 2050.

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

S. 1026 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE

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INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

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

S. 1027 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10 OF THE 1976 CODE, RELATING TO THE COMMISSION FOR THE BLIND, TO PROVIDE THAT MEETINGS SHALL BE HELD AT LEAST ONCE A QUARTER.

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

S. 1028 -- Senator Verdin: A BILL TO AMEND CHAPTER 50, TITLE 27 OF THE 1976 CODE, RELATING TO RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENTS, TO REQUIRE WATER QUALITY TESTS FOR WELLS AS A CONDITION OF CLOSING A REAL ESTATE TRANSACTION.

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

S. 1029 -- Senator Setzler: A BILL TO AMEND SECTION 13-17-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE SOUTH CAROLINA RESEARCH AUTHORITY BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF CERTAIN UNIVERSITY PRESIDENTS OR THEIR DESIGNEES, TO PROVIDE CERTAIN REQUIREMENTS FOR DESIGNEES, AND TO PROVIDE THAT THE EXECUTIVE COMMITTEE SHALL ELECT TWO ADDITIONAL MEMBERS WHO ARE NOT REQUIRED TO BE TRUSTEES AT THE TIME OF THEIR ELECTION; TO AMEND SECTION 13-17-70, RELATING TO THE POWERS OF THE BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD MAY INVEST IN CERTAIN OBLIGATIONS OF PRIVATE ENTITIES; AND TO AMEND SECTION 13-17-87, RELATING TO THE ESTABLISHMENT OF RESEARCH INNOVATION CENTERS, SO AS TO PROVIDE THAT

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THE SOUTH CAROLINA RESEARCH AUTHORITY MAY ALLOW A COMPANY TO REMAIN IN AN INNOVATION CENTER FOR UP TO FIVE YEARS OR UNTIL EXCEEDING FIVE MILLION DOLLARS BUT DOES NOT APPLY WITH RESPECT TO THIRTY-FIVE PERCENT OF THE SQUARE FEET IN AN INNOVATION CENTER.

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

S. 1030 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE THE WEEK OF JANUARY 26 THROUGH FEBRUARY 1, 2020, AS "NATIONAL SCHOOL CHOICE WEEK" IN SOUTH CAROLINA AND TO CONGRATULATE STUDENTS, PARENTS, TEACHERS, AND SCHOOL LEADERS FROM K-12 EDUCATIONAL ENVIRONMENTS OF ALL VARIETIES FOR THEIR PERSISTENCE, ACHIEVEMENTS, DEDICATION, AND CONTRIBUTIONS TO THEIR COMMUNITIES IN SOUTH CAROLINA.

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

S. 1031 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE FEBRUARY 2020 AS "LEAGUE OF WOMEN VOTERS CENTENNIAL MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO CONGRATULATE THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA ON THE LEAGUE'S ONE HUNDREDTH ANNIVERSARY.

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The Senate Resolution was adopted.

S. 1032 -- Senator Davis: A BILL TO AMEND ARTICLE 1, CHAPTER 30, TITLE 27 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT, BY ADDING SECTION 27-30-135, TO RENDER A DEED RESTRICTION, COVENANT, OR HOMEOWNERS ASSOCIATION DOCUMENT INTENDED TO PROHIBIT THE INSTALLATION OF A SOLAR ENERGY SYSTEM VOID AND UNENFORCEABLE.

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

TUESDAY, JANUARY 21, 2020

H. 4533 -- Reps. Govan, Bannister, Alexander, Anderson, Bamberg, Brawley, Brown, Clyburn, Dillard, Garvin, Gilliard, Hart, Henderson-Myers, Henegan, Hosey, Howard, Jefferson, King, Mack, McDaniel, McKnight, Moore, Parks, Pendarvis, Rivers, Robinson, Rutherford, Matthews, Thigpen, Weeks, R. Williams and S. Williams: A BILL TO AMEND SECTION 1-31-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION FOR MINORITY AFFAIRS, SO AS TO RENAME THE COMMISSION THE COMMISSION FOR MINORITY AND MULTICULTURAL AFFAIRS.

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

H. 4562 -- Rep. Cobb-Hunter: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM MILEPOST 39.229 AT THE NORTHERN BOWMAN TOWN LIMIT TO MILEPOST 40.603 "ARTHUR J. GLOVER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, 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.

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

H. 4951 -- Reps. Clemmons, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, Caskey, Chellis, Chumley, Clary, 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,

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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, 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 RECOGNIZE AND HONOR HIS EXCELLENCY SHINZO ABE, PRIME MINISTER OF JAPAN, TO CONGRATULATE HIM UPON BECOMING THE LONGEST-SERVING PRIME MINISTER IN JAPANESE HISTORY, AND TO WISH HIM CONTINUED SUCCESS IN HIS FUTURE ENDEAVORS.

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

H. 4972 -- Reps. Gagnon, White, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, 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, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE DIXIE HIGH SCHOOL BOYS CROSS COUNTRY TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO

TUESDAY, JANUARY 21, 2020

CONGRATULATE THEM FOR WINNING THE 2019 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

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

H. 4989 -- Reps. Pendarvis, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, 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, 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 CONGRATULATE ROSA LEE DINGLE GREEN OF CHARLESTON COUNTY ON THE OCCASION OF HER ONE HUNDRED FIRST BIRTHDAY AND TO WISH HER CONTINUOUS AND JOYFUL BIRTHDAY CELEBRATIONS AND MANY YEARS OF LASTING HEALTH AND HAPPINESS.

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

REPORTS OF STANDING COMMITTEES

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

S. 461 -- Senators Sheheen and Gambrell: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

Ordered for consideration tomorrow.

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

H. 3998 -- Reps. Bannister, Bernstein, Crawford, Pendarvis, Garvin, Herbkersman, Hosey, Alexander, Bales, Stavrinakis, Cogswell, Whitmire, Norrell, Cobb-Hunter, Dillard, Elliott, Moore, Mack, Rutherford, Govan, Bennett, Clemmons, Funderburk, Hayes, McDaniel, Ridgeway, G.M. Smith, G.R. Smith, Sottile, Weeks, Wheeler, S. Williams, Davis, Rivers, Brown, Jefferson, R. Williams, Henderson-Myers, Simmons and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT" BY ADDING SECTION 12-6-3795 SO AS TO ALLOW A TAXPAYER ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT.

Ordered for consideration tomorrow.

REPORT OF STANDING COMMITTEE

Senator PEELER from the Committee on Operations and Management polled out H. 4931 favorable:

H. 4931 -- Rep. G.R. Smith: A CONCURRENT RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS STUDENT GOVERNMENT FALL CONFERENCE AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE, AND THE RESPECTIVE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

Poll of the Committee on Operations and Management

Polled 9; Ayes 9; Nays 0

AYES

Peeler	Leatherman	Setzler
Reese	Rankin	Malloy
Massey	Shealy	Turner

Total--9

TUESDAY, JANUARY 21, 2020

NAYS

Total--0

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Operations and Management polled out H. 4924 favorable:

H. 4924 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 22, 2020, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

Poll of the Committee on Operations and Management

Polled 9; Ayes 9; Nays 0

AYES

Peeler	Leatherman	Setzler
Reese	Rankin	Malloy
Massey	Shealy	Turner

Total--9

NAYS

Total--0

Ordered for consideration tomorrow.

Adopted

H. 4924 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 22, 2020, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

The Resolution was adopted, ordered returned to the House.

TUESDAY, JANUARY 21, 2020

Message from the House

Columbia, S.C., January 21, 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. 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.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., January 21, 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. 580 -- Senator Gambrell: A BILL TO AMEND CHAPTER 29, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO

TUESDAY, JANUARY 21, 2020

ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., January 21, 2020

Mr. President and Senators:

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

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., January 21, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Wooten, Long and Brawley to the Committee of Conference on the part of the House on:

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH

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CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

Very respectfully,

Speaker of the House

Received as information.

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

OBJECTION

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

Senator HUTTO objected to the consideration of the Bill.

ADOPTED

S. 864 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, FEBRUARY 5, 2020, AT NOON AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, AT LARGE, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, AT LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT TWO MEMBERS TO THE COMMISSION OF THE OLD EXCHANGE BUILDING, AT LARGE,

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WHOSE TERMS WILL EXPIRE JUNE 30, 2024; AND TO ELECT, PURSUANT TO SECTION 2-15-10, FROM AMONG THE CANDIDATES NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL NOMINATING COMMITTEE PURSUANT TO SECTION 2-15-20, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, AT LARGE, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ATTORNEY SEAT, AND ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ACCOUNTANT SEAT, ALL OF WHOSE TERMS WILL EXPIRE JUNE 30, 2025.

The Resolution was adopted, ordered sent to the House.

CARRIED OVER

S. 999 -- Senators Rankin, Young and Sabb: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND

TUESDAY, JANUARY 21, 2020

THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

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

ADOPTED

S. 1001 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, JAMES W. OXFORD, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 4, 2020.

The Resolution was adopted, ordered sent to the House.

TUESDAY, JANUARY 21, 2020

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

MOTION ADOPTED

At 2:19 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

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

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

Senator CROMER explained the amendments.

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

CONCURRENCE

H. 3174 -- Reps. Elliott, Tallon, G.R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon: A BILL TO AMEND SECTION 56-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "ELECTRIC-ASSIST BICYCLES" AND "BICYCLES WITH HELPER MOTORS"; AND BY ADDING SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLISTS OPERATING ELECTRIC-ASSIST BICYCLES SHALL BE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

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

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Senator GROOMS explained the amendments.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

On motion of Senator GROOMS, 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.

CONCURRENCE

H. 4244 -- Rep. Sandifer: A BILL TO AMEND SECTION 38-78-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF "SERVICE CONTRACT" AND "WARRANTY" AND TO DEFINE THE TERMS "ROAD HAZARD", "THEFT PROTECTION PROGRAM", AND "THEFT PROTECTION PROGRAM WARRANTY"; TO AMEND SECTION 38-78-30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT

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INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 38-78-50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

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

Senator CROMER explained the amendments.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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On motion of Senator CROMER, 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 THE SPECIAL ORDERS.

INTERRUPTED DEBATE

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

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

Senator HEMBREE explained the Bill.

Amendment No. 2

Senator HARPOOTLIAN proposed the following amendment (WAB\419C234.SM.WAB20):

Amend the bill, as and if amended, Section 59-5-10(B)(1), as contained in SECTION 2.A., by deleting the subsection and inserting:

/ (B)(1) In addition to the members of the board provided in subsection (A), the board shall include three voting members, one appointed by the Governor and two appointed by the South Carolina Education Association to consist of:

(a) two public-school teachers who shall serve a two-year term to be chosen by the membership of the South Carolina Education Association, one of whom must work for a public school located in a Tier III or Tier IV county as designated in Section 12-6-3360, provided that:

(i) a member may not serve if he discontinues working as a public-school teacher in this state; and

(ii) a vacancy must be filled for the remainder of the term by another public-school teacher; and

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(b) one former State Teacher of the Year who shall serve a two-year term appointed by the Governor, provided that a vacancy must be filled for the remainder of the term by another former State Teacher of the Year. /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

Senator FANNING spoke on the amendment.

Motion Adopted

Senator HARPOOTLIAN asked unanimous consent, with Senator FANNING retaining the floor, to substitute Amendment No. 2 with Amendment No. 2A.

There was no objection.

Amendment No. 2A

Senator HARPOOTLIAN proposed the following amendment (419R019.KMM.RAH), which was carried over:

Amend the bill, as and if amended, page 11, by striking lines 17-29 and inserting:

/ (B)(1) In addition to the members of the board provided in subsection (A), the board shall include three nonvoting advisory members to consist of:

(a) two public school teachers appointed by the Governor, one of whom is upon the recommendation of the South Carolina Education Association and one of whom is upon the recommendation of the Palmetto State Teachers Association, who shall serve a two-year term, one of whom must work for a public school located in a Tier III or Tier IV county as designated in Section 12-6-3360, provided that:

(i) a member may not serve if he discontinues working as a public school teacher in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school teacher; and

(b) one former State Teacher of the Year appointed by the Governor who shall serve a two-year term, provided that a vacancy must be filled for the remainder of the term by another former State Teacher of the Year. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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Senator MASSEY spoke on the amendment.

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

Amendment No. 3

Senator CROMER proposed the following amendment (419R012.SP.RWC), which was carried over:

Amend the bill, as and if amended, page 64, by striking SECTION 46 in its entirety and inserting:

/SECTION 46. Section 59-1-425(A) of the 1976 Code is amended to read:

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

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

Senator MASSEY spoke on the amendment.

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

Debate was interrupted by adjournment.

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Motion Adopted

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

ADJOURNMENT

At 5:51 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:00 Noon.

* * *

Wednesday, January 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 9:10

“The fear of the Lord is the beginning of wisdom, and knowledge of the Holy One is understanding.”

Let us pray. Almighty and loving God, as we begin this day and each day, we like King Solomon, would like to be blessed with wisdom. Your Word teaches us that wisdom begins with the fear of the Lord. But the word “fear” can be misunderstood; “reverence” for You, O God, may be a more helpful translation. Therefore we pray Lord that reverence for You will undergird each decision we make as we navigate the work of this day, the people we meet and the problems we seek to solve. May our mantra be to love You with all our heart and our neighbor as ourselves. Maybe then will we truly know the gift of wisdom. In Your holy name we pray, Amen.

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

Point of Quorum

At 12:03 P.M., Senator SCOTT made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Campbell
Cash	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Kimpson
Loftis	Malloy	Martin
Massey	Nicholson	Peeler

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Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator MALLOY introduced Dr. James McCoy of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 12:15 P.M., Senator TURNER requested a leave of absence for Senator VERDIN for the day.

Leave of Absence

At 4:54 P.M., Senator ALEXANDER requested a leave of absence for Senator LEATHERMAN until 5:30 P.M.

Leave of Absence

At 4:54 P.M., Senator ALEXANDER requested a leave of absence for Senator CAMPBELL for the balance of the day.

Expression of Personal Interest

Senator CASH rose for an Expression of Personal Interest.

Remarks by Senator CASH

Currently in our State about 5,000 unborn babies are put to death annually. Since we are debating an Education Bill, let's consider that number in an education context. That would be the equivalent of ten high school graduating classes, of 500 students each. Try to imagine that, ten classes, each one made up of 500 high school seniors, wiped out each year, year after year after year. Still however, these numbers tend to be abstract to us because there are no individual narratives attached to the numbers, it is hard to feel any emotional connection. The numbers become devoid of humanity, so I want to say a few words about one person who was not aborted.

Over the past few years, Ashley Lawton has become my friend. Ashley used to live in the Upstate but now she lives in the Low country. Ashley's story is unusual because Ashley was conceived as a result of rape. Ashley's mother was one of those hard cases, we often speak about, and Ashley is one of those people, we are all too willing to sacrifice in

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order to pass a Pro-life Bill. If you want to know why I'm willing to fight to protect every unborn baby, you can watch a one minute video of Ashley's story, on the website www.personhoodsc.com.

In closing, I want to tell you about another friend of mine, a fictional character named Harry Bosch. Harry is the lead detective in some crime novels I like to read. He is an old school murder detective with the LAPD. Harry is not perfect, but he does track down the bad guys and he is relentless in his pursuit of the victim. For Harry, every murder case he takes on becomes personal because Harry's motto is this, "Either everybody counts or nobody counts." Harry doesn't care whether the murder victim was black or white, young or old, rich or poor, gay or straight. In Harry's book every single person counts and the murder of any single person is an affront to justice that must be rectified.

I believe Roe v. Wade must be overturned, not just to save the millions, but for each and every person that it will save. I hope you will remember the motto, "Either everybody counts or nobody counts" because it applies to the philosophical idea of justice and equality, to every single individual, born and preborn. And that is our duty as law makers. Thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator CASH, were ordered printed in the Journal.

CO-SPONSORS ADDED

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

S. 754 Sen. Nicholson

S. 882 Sen. Bennett

RECOMMITTED

S. 999 -- Senators Rankin, Young and Sabb: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO

WEDNESDAY, JANUARY 22, 2020

ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30,

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2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

On motion of Senator YOUNG, the Resolution was recommitted to Committee on Operations and Management.

HOUSE CONCURRENCES

S. 864 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, FEBRUARY 5, 2020, AT NOON AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, AT LARGE, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT A MEMBER OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, AT LARGE, WHOSE TERM WILL EXPIRE JUNE 30, 2021; TO ELECT TWO MEMBERS TO THE COMMISSION OF THE OLD EXCHANGE BUILDING, AT LARGE, WHOSE TERMS WILL EXPIRE JUNE 30, 2024; AND TO ELECT, PURSUANT TO SECTION 2-15-10, FROM AMONG THE CANDIDATES NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL NOMINATING COMMITTEE PURSUANT TO SECTION 2-15-20, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, AT LARGE, ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ATTORNEY SEAT, AND ONE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL, ACCOUNTANT SEAT, ALL OF WHOSE TERMS WILL EXPIRE JUNE 30, 2025.

Returned with concurrence.

Received as information.

S. 1001 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, JAMES W. OXFORD, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 4, 2020.

Returned with concurrence.

Received as information.

WEDNESDAY, JANUARY 22, 2020

INTRODUCTION OF BILLS AND RESOLUTIONS

The following was introduced:

S. 1033 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE LARRY B. HYMAN, JR., AT-LARGE JUDGE OF THE CIRCUIT COURT, SEAT 13, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENT

Confirmation

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Department on Aging, with term coterminous with Governor

Director:

Connie D. Munn, 1025 Foxridge Court, Sumter, SC 29150-1732

On motion of Senator SHEALY, the question was confirmation of Connie D. Munn.

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

Ayes 36; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	McElveen	Nicholson
Peeler	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Connie D. Munn was confirmed.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

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

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

Amendment No. 4

Senators DAVIS, FANNING and McLEOD proposed the following amendment (419R013.SP.TD), which was withdrawn:

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Teacher Bill of Rights

Section 59-25-910. All certified public school teachers in South Carolina have a right to:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom made in accordance with school and district policy be fully respected by school and district officials;

(2) teach free from fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board for actions taken in the performance of duties of the teacher's employment;

(3) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school policy and district policy, to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(4) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(5) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(6) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher's primary directive to implement effective instruction for their students;

(7) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

(8) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations; and

(9) legal recourse should schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.” /

Renumber sections to conform.

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Amend title to conform.

Senator DAVIS spoke on the amendment.

Senator FANNING spoke on the amendment.

Motion Adopted

Senator FANNING asked unanimous consent to withdraw Amendment No. 4 and proceed to Amendment No. 7.

There was no objection.

Amendment No. 7

Senator GOLDFINCH proposed the following amendment (419R025.SP.SLG), which was withdrawn:

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Teacher Bill of Rights

Section 59-25-910. (A) All certified public school teachers in South Carolina have a right to:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom made in accordance with school and district policy be fully respected by school and district officials;

(2) teach free from fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board for actions taken in the performance of duties of the teacher’s employment;

(3) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school policy and district policy, to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(4) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(5) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(6) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other

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administrative inquiries that prevent fulfillment of the teacher's primary directive to implement effective instruction for their students;

(7) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

(8) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations; and

(9) file a declaratory judgment action if schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.

(B) No monetary damages may be awarded for violations of subsection (A). The court may award attorneys' fees at its discretion." /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Point of Quorum

At 3:13 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy

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Sheheen	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

Senator FANNING resumed speaking on the amendment.

Motion Adopted

Senator FANNING asked unanimous consent to withdraw Amendment No. 7 and proceed to Amendment No. 9.

There was no objection.

Amendment No. 9

Senator CAMPSSEN proposed the following amendment (419R026.SP.GEC):

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Teacher Bill of Rights

Section 59-25-910. (A) All certified public school teachers in South Carolina have a right to:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, made in accordance with written school and district policies provided to faculty, be fully respected by school and district officials;

(2) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(3) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(4) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(5) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher’s primary directive to implement effective instruction for their students;

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(6) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

(7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations; and

(8) file a declaratory judgment action if schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.

(B) No monetary damages may be awarded for violations of subsection (A). The court may award attorneys' fees at its discretion." /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Point of Quorum

At 4:51 P.M., Senator MASSEY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Harpootlian	Hembree	Hutto
Johnson	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Young

A quorum being present, the Senate resumed.

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Senator FANNING resumed speaking on Amendment No. 9.

ACTING PRESIDENT PRESIDES

At 5:09 P.M., Senator TALLEY assumed the Chair.

PRESIDENT PRESIDES

At 5:22 P.M., the PRESIDENT assumed the Chair.

MOTION ADOPTED

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that the Senate would stand in recess until 6:40 P.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate would stand adjourned, with Senator FANNING retaining the floor on S. 419, to meet at 11:00 A.M. tomorrow.

RECESS

At 5:32 P.M., on motion of Senator MASSEY, the Senate recessed from business until 6:40 P.M.

At 6:45 P.M., the Senate resumed.

Committee to Escort

The PRESIDENT appointed Senators LEATHERMAN, NICHOLSON, McELVEEN, SENN and CASH to escort the Honorable Henry D. McMaster, Governor of South Carolina, and members of his party to the House Chamber for the Joint Assembly.

At 6:45 P.M., the Senate recessed for the purpose of attending the Joint Assembly.

NIGHT SESSION

The Senate assembled at 6:45 P.M. and was called to order by the PRESIDENT.

JOINT ASSEMBLY

Address by the Governor

At 7:00 o'clock P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

H. 4924 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER,

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GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 22, 2020, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

The Honorable Henry D. McMaster, and members of his party, were escorted to the rostrum by Senators LEATHERMAN, NICHOLSON, McELVEEN, SENN and CASH and Representatives Clary, Alexander, Howard, Felder, Calhoon and Collins.

The PRESIDENT of the Senate introduced the Honorable Henry D. McMaster, Governor of the State of South Carolina.

The Governor addressed the Joint Assembly as follows:

State of the State Address

Mr. Speaker, Mr. PRESIDENT, ladies and gentlemen of the General Assembly, constitutional officers, my fellow South Carolinians: I begin tonight by recognizing those South Carolinians in uniform no longer with us -- who gave their lives in the line of duty, and in service to us all. Deputy Michael S. Latu of the Marion County Sheriff's Office; Fire Engineer Paul Quattlebaum of the Lexington County Fire Service; and Officer Jackson R. Winkeler of the Florence Regional Airport Department of Public Safety.

To the families and loved ones of these three men, on behalf of all South Carolinians, we share your sadness, honor their service and wish you strength.

I am delighted to have with us once again tonight our First Lady, my bride Peggy, who is working to bring attention and energy to the areas of human trafficking, domestic violence, veterans' health and animal care and adoption. Thank you, Peggy. Please stand and be recognized.

I would also like to thank our Cabinet members for their innovative, dedicated and sustained efforts to improve the lives and futures of our people. We are winning because they are succeeding and there is much more to come. Will our Cabinet members please stand and be recognized? Thank you.

Our Lieutenant Governor, Pamela Evette, is meeting with businesses across the State to identify workforce and regulatory relief. She has focused on transportation, early childhood education and preparation for the upcoming census and has encouraged us all to "Grab a Bag" and eliminate litter. Thank you, Lieutenant Governor. Please stand and be recognized.

I would also like to welcome the former governor of Wisconsin, who joins us tonight. Governor Scott Walker, please stand and be recognized.

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Tonight, I'm proud to tell you that the State of the State is strong. South Carolina is winning.

Since I last spoke to you in this forum, things have changed. Our State has gotten stronger, but so have others. We are today in the fiercest economic competition we have ever seen. It is with the other southeastern states, which are experiencing the greatest growth in the nation. But we have all we need to win. And we shall.

The nation's economy is booming and so is ours. We are roaring into the twenties with a vibrant economy and a growing population. In the last three years alone, we have announced nearly \$10 billion in new capital investment and almost 35,000 jobs.

More people are working in South Carolina than ever before, unemployment is at a record low, and personal income growth is the highest ever. We are consistently rated as one of the best places in the country to live, work and raise a family.

Business growth in South Carolina is the business of South Carolina, and I'd like to recognize some of our companies here tonight: Representing Adornus Cabinetry, Mr. George Mejias, CEO, and his wife, Mrs. Maria Mejias; Representing GE Appliances, a Haier Company, Mr. Frank Scheffel and Mr. Bill Good; Representing Spartan Motors, their counsel, Ms. Stephanie Few; Representing McCall Farms, Mr. Marion Swink and his wife, Mrs. Frances Swink; and, representing Lockheed Martin, Mr. Ben Peat and Mr. Nick Mesenberg. Ladies and gentlemen, please stand and be recognized.

Among the General Assembly's steps forward last year were a record number of my recommendations to you, which you accepted. After careful consideration, I offer these to you tonight.

Last year our budget from state funds totaled \$9.33 billion. This year, we are expecting to exceed those revenues by a whopping \$1.8 billion. As with the growth in the nation's economy, most economists were surprised.

Last year, we returned \$67 million to the taxpayers in a one-time rebate check. It was well-received. This year, I propose that we return twenty-five cents of every surplus dollar to the taxpayers through rebates and tax cuts. It's their money.

Many people don't believe it but reducing taxes in fact results in tax receipts increasing, not decreasing. It happened when President Kennedy did it, again when President Reagan did it, and it is happening now, under President Trump. North Carolina and Georgia, two of our strongest competitors, have just done it, bringing their income taxes down lower than ours.

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There's a misconception that our "effective rate" after deductions is lower than those of our neighbors. This misconception was explained in the 2018 study by the Tax Foundation for the South Carolina Chamber of Commerce and found to be just that: a misconception.

A direct comparison of effective rates and actual taxes in North Carolina and Georgia shows that our taxes are lower only for low-income filers -- many of whom are on Medicaid or are Medicaid-eligible.

South Carolina has the highest personal income tax rate in the southeast and the twelfth highest in the nation. Seven states have no income taxes at all. Taxes of all kinds at all levels add up quickly -- little by little -- to smother growth. Money spent by the people who worked to earn it goes farther, more efficiently and produces more dividends for them and us than the same dollars spent by the government.

Therefore, I ask that we cut our state's personal income taxes by \$160 million this first year, for a total of \$2.6 billion over five years. This means a 15% across-the-board tax reduction for all personal income brackets, keeping us competitive with our neighboring states.

This year, with a \$1.8 billion surplus, if we don't cut taxes and send money back to the people, shame on us. I ask that we send \$250 million from the surplus back to South Carolina taxpayers in the form of a rebate check -- an average of \$200 per taxpayer.

And for the third year in a row, I ask that we honor the service and sacrifice of our men and women who served in uniform -- veterans, first responders, law enforcement officers, firefighters and peace officers -- by no longer taxing their retirement pay.

This commitment to our veterans will help us in protecting and expanding missions at our state's military bases. As for law enforcement, firefighters and first responders, it will help keep them on the job, aid recruitment and show our appreciation for their service.

Joining us tonight are men and women from the South Carolina National Guard and from our state law enforcement agencies who walk the thin blue line every day. We cannot prosper without them. Please stand and be recognized.

The path to prosperity goes straight through the classroom. Last year we took bold steps in education reform to empower the next generation's workforce. We invested in our classroom teachers, in rural schools, in keeping our children safe and secure. This year our continued investment must be the most significant ever. Teachers are leaving the classroom, most before their fifth year. Last year, we raised the salaries of all South Carolina teachers. This year, I ask you to give each teacher an additional \$3,000 dollar raise -- which equates to an average 7% raise per teacher.

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The impact of this investment will be dramatic and immediate. South Carolina will vault into the “top 25” national ranking for average teacher pay. We now rank 41st. We will surpass the southeastern average for the first time in many of our lives. And the minimum starting salary for new teachers will have jumped 26% in the last three years, to \$38,000. These are critical investments. They will help attract the best and the brightest young people into the profession and keep our highly successful and experienced teachers where they are needed the most -- in the classroom.

Tonight, we are joined by several of our most successful and experienced teachers. As I say your name, please stand and be recognized. Ms. Ali Hendrick from Dutch Fork High School is a social studies teacher and former Lexington/Richland School District 5 Teacher of the Year; Ms. Tiffany Hobart is the current Teacher of the Year for Pickens Elementary in Pickens, South Carolina, where she teaches 4K; Ms. Chanda Jefferson is the South Carolina Teacher of the Year for 2020. She teaches biology and science at Fairfield Central High School; Mr. Jeff Maxey is a special education teacher in Anderson School District 3 and former state Teacher of the Year for 2019; and, Ms. Laura Privette is a school counselor at North Hartsville Elementary, and former Darlington School District Teacher of the Year. Ladies and gentlemen, thank you for your service to our State.

By the age of four, the average lower-income child in America has heard about 40 million words in his or her lifetime; the average upper-income child -- 70 million. This “30-million-word gap” dramatically affects a child’s ability to learn.

Our lower-income five-year-old children are increasingly entering kindergarten unprepared and lacking the necessary literacy and language skills. They are unlikely to ever catch up. By the third grade, they are “at risk,” and less likely to graduate or obtain the skills necessary to enter the workforce and contribute to our economy and their own success.

The facts are clear: to change the path of a child’s future, to enhance the prosperity of our economy, to maximize the success of our State, we have to make sure that every student is ready to learn when he or she enters the classroom. In 2006, the General Assembly funded full-day, four-year-old kindergarten programs for Medicaid-eligible children in public schools and private child care centers. Currently, 62 school districts are eligible to participate; 17 districts are not. This leaves 13,000 lower-income, “at risk” children in 17 urban and suburban school districts without the option to attend full-day, four-year-old kindergarten.

I ask that you join me in providing every lower-income, four-year-old child in South Carolina the opportunity to attend full-day kindergarten at

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the public, private, parochial or religious institution of their parents' choosing. That's right -- the parents can choose. We will unleash the free market into early childhood education through parental choice.

We will eliminate red tape and regulations while increasing the reimbursement rate -- that is, the money that already follows each child -- to the school of the parents' choice. The time is now to act, to take dramatic and decisive action -- to secure our prosperity for generations to come, and to assure all of South Carolina's parents that their children will not be left behind.

Last year, Speaker Lucas, PRESIDENT PEELER and I called on the state Revenue and Fiscal Affairs office to review South Carolina's outdated education funding formula. In October, they told us what we already knew: the way we fund education is confusing, not working and no longer sustainable.

Although there is no easy solution, we know that education reform means accountability, efficiency and transparency for local school boards and administrators. It also means removing outdated, inefficient and confusing testing and paperwork. And it means the consolidation of districts to reduce overhead, create efficiencies and put more dollars into classrooms.

We must have a new path forward. The House has passed a comprehensive education reform bill, and the Senate is currently debating their version. I ask that these two versions be reconciled and sent to my desk as soon as possible -- so I can sign it into law, and we can get to work.

We must also continue efforts to make our public universities and colleges -- technical and comprehensive -- more accessible and affordable for all South Carolinians. Last year we took a dramatic step by freezing college tuition for in-state students. I urge you to do it again this year by providing a 5% funding increase for each institution that does not raise tuition.

With this surplus, we can also make a historic, one-time investment toward repairing our aging campus buildings and infrastructure. We should pay down the state's deferred maintenance costs while we can -- now -- rather than borrowing more money in the future to do it.

Many of our young people cannot afford college without scholarships, grants and financial assistance. I ask you to provide an additional \$164 million for need-based scholarships and grants to open the door of opportunity for those students. I also ask that the State pay 100% of college tuition for active duty members of the South Carolina Army or Air National Guard.

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With us tonight are several college presidents: Dr. Roslyn Clark Artis of Benedict College, Dr. Jim Clements of Clemson University and Dr. David Cole of the Medical University of South Carolina. Please stand and be recognized.

Recently, I had the honor of welcoming the new President of the University of South Carolina to our State. President Bob Caslen, a three-star general, retired in 2018 after serving 43 years in uniform, leading more than 200,000 soldiers under nine commanders-in-chief and deploying six times. He served for years as the superintendent of West Point, establishing records and success across the board.

I'd like to tell you a quick story about Bob Caslen that he won't tell. On 9/11, General Caslen was working at the Pentagon. After Flight 77 hit the building, everyone was evacuated. You may remember the scene. Ignoring warnings, he ran back into the burning building to search for wounded and re-establish communications with the White House. President Caslen and Mrs. Shelly Caslen, please stand and be recognized.

President Caslen gave me an idea. He suggested that we allow our colleges and universities to spend more of their privately-raised dollars for need-based scholarships. It's a great idea and I ask that the General Assembly embrace it.

According to *U.S. News and World Report*, South Carolina is ranked in the top 5% nationally for high potential job growth -- especially in the manufacturing, technology, health care and engineering fields. However, competition for workers is fierce because there are not enough of them. Some businesses are struggling -- not for a lack of customers -- but because they cannot find enough staff. Right now -- in South Carolina -- we have around 70,000 jobs looking for people.

The demand for workers in the skilled trades -- plumbing, masonry, carpentry, and others -- high paying jobs -- is so great that our businesses have to go out of state to recruit them. We know that economic prosperity does not require a four-year degree. It can be achieved through two-year associate degrees and a multitude of certificates from our state's technical colleges.

Recently, Superintendent of Education Molly Spearman and I visited a very special place called The Continuum. Located in Lake City, The Continuum is a regional center for workforce education and training for high school students and adults. It was created through collaboration between The Darla Moore Foundation, Florence-Darlington Technical College, Francis Marion University and local businesses. This state-of-the-art career center provides students with training, certifications, dual credit courses, along with business incubator space. Superintendent Spearman proposed that we replicate this model in rural school districts

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-- by providing a state match for collaborations between technical colleges, school districts and businesses. I ask you to approve my budget request of \$50 million for this effort.

In this economy, when we have jobs looking for people, there is no reason for anyone who *can* work not to be working, including able-bodied people on public assistance. We must leave no stone unturned to help our state's businesses fill those jobs with skilled, educated and trained workers.

Last year, I issued an executive order requiring able-bodied Medicaid recipients to pursue 80 hours a month of community engagement, education, job training or employment. In December, the Centers for Medicare and Medicaid Services approved these requirements. "Welfare-to-Work" is one of the great successes in American public policy over the last 25 years. There is no reason "Medicaid-to-Work" cannot be just as effective. In South Carolina, it will be. By directing more resources toward enhancing workforce training, development and education than ever before, all the assets and opportunities are in place to help South Carolinians achieve and sustain financial independence and prosperity, now and in the future.

We must also continue to invest in our infrastructure. Our ports, roads and rail remain the central drivers of our economic prosperity. The South Carolina Ports Authority is a powerful economic engine. Its container volumes have doubled over the past decade, making it the nation's ninth busiest container port. And it is growing. We are now deepening the harbor. Once this is completed, Charleston will have the deepest harbor on the eastern seaboard, allowing the huge post-Panamax ships to move even more cargo and containers into and out of our State. The economic growth accompanying this will set even more records. Through the two Inland Ports in Greer and Dillon, twenty five percent of the Port's total volume now moves by rail to and from the marine terminals, doubling intermodal volume since 2012. Completing the Leatherman Terminal in North Charleston will take more traffic off Lowcountry bridges and highways and onto barges and trains. I want to thank everyone at the Ports Authority for their hard work. In particular, I'd like to recognize Chairman Bill Stern, CEO Jim Newsome and COO Barbara Melvin. Please stand and be recognized.

South Carolina's bright economic future requires an abundant supply of clean, affordable energy. Without it, we are at a competitive disadvantage. I believe that every member is aware of the situation facing the solvency and future of Santee Cooper. In the coming days, the General Assembly will receive proposals and will decide Santee Cooper's fate. The ratepayers of South Carolina deserve that we do so

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thoughtfully, but without delay. I would like to thank and recognize Ms. Marcia Adams, Director of the Department of Administration, and her entire team for their herculean efforts and their dogged persistence in keeping this process on track. Ms. Adams, please stand and be recognized.

One of the main responsibilities of government is to provide for the safety of the people. We are all aware of the struggles facing the men and women working at our Department of Corrections: contraband, violence, gangs, staffing shortages, health care deficiencies. This must change. I ask that we invest at least \$100 million toward making our prisons safer and more secure, both inside and outside the fence, by replacing and repairing existing infrastructure, facilities and control systems. We are losing valuable and experienced personnel because our agencies are unable to remain competitive with pay and benefits. Our highways are dangerous without troopers on patrol. Every school must have a resource officer on duty all day. Fires must be battled and contained. Justice requires investigations to be properly conducted. Correctional facilities need guards. And our waterways and lakes must remain safe and navigable. I ask that we dedicate at least \$60 million in new dollars to law enforcement, public safety and first response agencies for recruitment and retention. This includes pay raises for troopers, SLED agents, wildlife officers, probation officers, firefighters, corrections officers, forestry and emergency services personnel. This will also compete the placement of a school resource officer in every school in the State. It is often said that the men and women of the Highway Patrol are the face of law enforcement in South Carolina. I ask that we direct \$5 million for the sole purpose of hiring 100 new troopers by the end of the year -- and paying them more than local law enforcement agencies can match.

Recently, I appointed North Charleston Police Chief Reggie Burgess to serve as the next director of the Department of Public Safety. Chief Burgess is one of the finest leaders our State has ever produced. His career achievements are remarkable. I am confident that he will do an excellent job recruiting and retaining additional highly qualified troopers, addressing challenges and taking morale and public confidence to new heights. Chief Burgess is here tonight with his wife Tracy and their children, Reggie and Kristen. Please join me in welcoming them.

South Carolina is proudly a military state. During times of national or state emergency, we call on the South Carolina National Guard to do many things. They deploy and defend this nation. They evacuate and secure our coast. These brave men and women are known around the world for their service and sacrifice. However, the conditions of many

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of their armories are unsafe, unusable or inadequate for training and drill. I have proposed a significant reinvestment to improve the condition of National Guard armories in our State. I ask that you join me in this commitment. Today, we have more than 50,000 active duty and reserve military personnel. We have eight major military installations. And we have more than 400,000 veterans.

We must ensure that our veterans -- and their dependents -- receive the benefits and services that they have earned over a lifetime of protecting our country and that they have the opportunity to utilize their talents in the civilian workforce. I was proud to work with the General Assembly to support legislation creating the South Carolina Department of Veterans' Affairs to be led by a secretary to act as their advocate on the state and federal level. That man is here tonight: a top graduate of The Citadel with four combat tours in Iraq and service in the South Carolina House of Representatives. Lt. Col. Bobby Cox is joined by his wife Joscelyn and their children Reagan and Seth. Please stand and be recognized.

Today is the anniversary of the United States Supreme Court's decision in *Roe v. Wade*. Ladies and gentlemen, the right to life is the most precious of rights -- and the most fragile. We must never let it be taken for granted. For the third year in a row, my budget includes a proviso preventing the funneling of taxpayer dollars to abortion providers like Planned Parenthood. And you are now considering two important pieces of legislation. Both will protect the sanctity of life -- through heartbeat or personhood. It's time to take a vote. Send them to me and I will immediately sign them into law.

Ladies and gentlemen, we face recruitment and retention challenges not only with teachers, troopers, soldiers and guards -- but also with valuable talent at our state agencies. Our booming economy and record-low unemployment sometimes put agencies at a disadvantage against the private sector. Government should take some lessons from successful businesses. I am convinced that across-the-board pay raises for state employees are less effective than those based on performance, merit, success or longevity. I ask that you provide \$33 million -- almost the equivalent of a 2% across-the-board pay raise -- and direct that those funds go to agency directors to be used for merit-based raises.

Excessive government regulation is "the number one cause of death" for businesses both large and small, and also the bane of investment. Two years ago, I issued an executive order instructing state agencies to evaluate -- before issuing regulations -- any unintended consequences or undue burdens they may place on South Carolina's businesses. This year, Senator TOM DAVIS has agreed to sponsor legislation that would

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require the Governor's Office to submit to the General Assembly on an annual basis, recommendations for the elimination, withdrawal or modernization of any statutes, regulations, policies, protocols, boards, commissions, offices, positions or practices. I have asked Lt. Governor Evette to implement this law upon enactment -- and to seek input and suggestions from businesses on what to eliminate, change or modify. I ask you to work with us -- to unleash innovation, investment and emerging technologies by passing this Bill promptly.

That brings us to our state pension system. We have all been hearing the alarm bell for years. We must maintain our commitment to the 11.5% of South Carolinians who rely on the state retirement systems and we must also protect the taxpayers from bearing any additional financial burden caused by inaction or indecision or anything else. The best answer is a date-certain transition away from "defined benefit" pension plans to "defined contribution" plans for new state employees. I am asking that we -- at the end of this year -- close enrollment in the current "defined-benefit" plan. Putting money into an open system is like trying to fill a bathtub with the drain open. We must close enrollment first.

As you are aware, last year -- as in years past -- I vetoed over \$20 million in "pass-throughs" inserted into the state budget under vague, broad descriptions like "Parks Revitalization" and "Sports Marketing." It has become a bad habit -- a routine exercise of votes and vetoes between the governors and the General Assembly. Clearly, these appropriations should be publicly disclosed, debated and allowed to stand on their own merits, like all other measures. Failing that, I offer a "Plan B." "Plan B" suggests that equivalent funds be provided to the same agencies as last year -- but with the requirement that they be awarded through a public, competitive grants process, with full reporting of all actions. Under this plan, funds would be made available to applicants with demonstrated community support and with missions that advance the agencies' objectives. All applications and awards will be placed on agency web sites within fifteen days, allowing for public scrutiny and total transparency.

Maintaining the public's trust in government, at all levels, requires transparency and accountability on how and why every single taxpayer dollar is spent. That also means stronger and expanded authority for the State Ethics Commission. We must change the law to require anyone who is paid to influence decisions made by county, municipal, or school board officials to publicly register with the Ethics Commission as a lobbyist.

And public officials in all branches of government -- at all levels -- must be subject to the Freedom of Information Act. Good government

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means protecting the health and well-being of our people. That includes our young people and vulnerable adults. In March, I nominated Mr. Michael Leach to serve as Director of the South Carolina Department of Social Services (DSS). Mr. Leach is a trained mental health clinician. And, in less than one year, he has brought transformative leadership to DSS -- reigniting the passions of his employees and reforming those processes which required re-evaluation. Director Michael Leach, please stand and be recognized.

This year, we escaped the wrath of a major hurricane. But we've had four major flooding disasters between 2015 and 2018 and we will have more. These events caused 37 deaths and harm to nearly 150,000 homes. Damages exceeded \$800 million, with an estimated total loss of \$320 million in tourism dollars. In the one year since the creation of the South Carolina Floodwater Commission, we have seen multi-faceted communication, collaboration and cooperation among its members -- across all levels of government, academia, the military, the private sector and non-governmental organizations. Their goal -- to protect and enhance our prosperity and happiness by finding ways and means to make these waters our friend.

Thousands of volunteer hours have gone into producing the commission's historic, unique report, which addresses our challenges with unprecedented scope and thoroughness. It is time now to act. We must take action to address our state's drainage systems. We must protect, replenish and expand our marshes. We must develop centralized, streamlined resiliency and response plans. We must ensure that local governments have the means to access much-needed recovery funds. We must plant more native vegetation -- to deter erosion and aid in groundwater infiltration. And we must collaborate with and support innovative efforts like those envisioned in Charleston through the Dutch Dialogues. Our commission will continue its vigorous discussions regarding the flood-related challenges that we all face. I am confident that we can be a model for other states.

Ladies and gentlemen, South Carolina is winning. We are in the midst of a stunning economic resurgence -- with the opportunity to seize prosperity for generations to come. We recognize our tremendous assets. We acknowledge our challenges. We believe in faith. We believe in family. We believe in the flag and we believe in free markets. We believe in liberty -- in that shining city on the hill of which President Reagan spoke. And we know that liberty is worth fighting for.

I'm here to tell you that our resolve will not wane and will not falter. As your Governor, my determination is stronger than ever -- to fight for

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you, to fight for the ideals we all share, to fight for South Carolina. There is no place I would rather be, and there is nothing I would rather do.

This year, let us roar into the twenties with renewed purpose. Let us be bold. Let us act on behalf of the sons and daughters of South Carolina, so that they may receive a State as bright with promise as that which we were blessed to inherit. And remember, always teach the children to be proud of South Carolina! May God bless you. May God bless South Carolina.

The purpose of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

Motion Adopted

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

ADJOURNMENT

At 7:47 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, January 23, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

1 Corinthians 13: 4, 5

“Love is patient, love is kind; love is not envious or boastful or arrogant or rude. It does not insist on its own way...”

Let us pray. Gracious God, we are here today to glorify You and live an honorable and meaningful life. But what exactly defines meaningful? Is it what we believe, is it what we achieve, is it what we sacrifice for the greater good, is it the change we bring about in ourselves or is it what we give back to society that counts.

It is in fact all of these things but only if, as Scripture says, we do these things with love. Therefore we pray this day that kindness and patience will define who we are today and every day until the hour our work is done. For it is in Your holy name that we pray, Amen.

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

Point of Quorum

At 11:03 A.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Grooms
Harpootlian	Hutto	Johnson
Malloy	Martin	Nicholson
Peeler	Reese	Rice
Scott	Senn	Setzler

THURSDAY, JANUARY 23, 2020

Shealy
Young

Talley

Turner

A quorum being present, the Senate resumed.

Doctor of the Day

Senator NICHOLSON introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

Expression of Personal Interest

Senator NICHOLSON rose for an Expression of Personal Interest.

CO-SPONSOR ADDED

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

S. 461 Sen. Alexander

RECALLED

S. 919 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 7-7-110 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, TO ADD THE NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

Senator CORBIN 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.

RECALLED

S. 920 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 7-7-330 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, TO ADD TWO PRECINCTS AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

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

RECALLED

S. 1003 -- Senator Verdin: A BILL TO AMEND SECTION 7-7-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO ELIMINATE THE BREWERTON AND PRINCETON VOTING PRECINCTS, TO ESTABLISH THE BREWERTON-PRINCETON VOTING PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES AND BOUNDARIES OF THE LAURENS COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator CORBIN 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.

RECALLED

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, 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.

Senator CORBIN 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.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1034 -- Senators Grooms, Campbell, Loftis and Climer: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO REDUCE EACH TAX RATE BY ONE PERCENT OVER A FIVE-YEAR PERIOD IN CERTAIN CIRCUMSTANCES; AND TO REPEAL SECTION 12-6-515 RELATING TO A BRACKET REDUCTION.

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

S. 1035 -- Senator Jackson: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY CLASSIFICATIONS AND ASSESSMENT RATIOS, SO AS TO PROVIDE THAT FOR PURPOSES OF OBTAINING THE SPECIAL FOUR PERCENT ASSESSMENT RATE, A PERSON WHO OWNS AND OCCUPIES A RESIDENCE AS HIS LEGAL RESIDENCE IS DEEMED TO BE DOMICILED AT THAT RESIDENCE IF THE PERSON IS IN THE UNITED STATES ON CERTAIN VISAS.

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

S. 1036 -- Senators Cromer and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-1-40 SO AS TO ADOPT THE "SOUTH CAROLINA ACT CONCERNING INTERPRETATION OF INSURANCE LAWS".

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1037 -- Senator Fanning: A BILL TO AMEND SECTION 59-20-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF ANNUAL ALLOCATIONS TO EACH SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE PUPIL CLASSIFICATION WEIGHTING FOR CAREER AND TECHNOLOGY MUST APPLY TO GRADES SIX THROUGH EIGHT.

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

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S. 1038 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-42 SO AS TO PROVIDE THAT EACH SCHOOL DISTRICT MUST ATTAIN CERTAIN AVERAGE PUPIL-TEACHER RATIOS AND MAY NOT ALLOW A TEACHER TO TEACH MORE THAN ONE-HUNDRED FIFTY STUDENTS IN ONE SEMESTER TO QUALIFY FOR FUNDING.

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

S. 1039 -- Senator Gregory: A BILL TO AMEND SECTION 16-23-500 OF THE 1976 CODE, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE, TO EXPAND THE PARAMETERS OF THE OFFENSE TO INCLUDE PERSONS CONVICTED OF A CRIME PUNISHABLE BY A TERM OF IMPRISONMENT OF ONE YEAR OR MORE AND TO PROVIDE INCREASED, GRADUATED PENALTIES FOR A VIOLATION.

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

S. 1040 -- Senator Gambrell: A CONCURRENT RESOLUTION TO HONOR THEODORE A. "TED" MATTISON FOR HIS LIFETIME OF EXTRAORDINARY ACCOMPLISHMENTS AND CONTRIBUTIONS TO ANDERSON COUNTY.

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

S. 1041 -- Senator Climer: A BILL TO AMEND SECTION 39-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO ADD THE DEFINITION OF "LATE FEE"; TO AMEND SECTION 39-20-30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

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

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S. 1042 -- Senator Hembree: A BILL TO AMEND SECTION 47-1-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ILL-TREATMENT OF ANIMALS, SO AS TO REMOVE THE EXCEPTION FOR THE TRAINING OF HUNTING DOGS; AND TO AMEND SECTION 47-1-70, RELATING TO THE ABANDONMENT OF ANIMALS, SO AS TO REMOVE THE EXCEPTION FOR HUNTING DOGS.

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

S. 1043 -- Senator Hembree: A BILL TO AMEND SECTION 50-15-500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM, SO AS TO ESTABLISH THAT THE DEPARTMENT OF NATURAL RESOURCES MUST SET CONDITIONS FOR THE HUMANE TAKING AND DISPOSITION OF ALLIGATORS; TO PROHIBIT THE TAKING OF ALLIGATORS FROM A SANCTUARY UNLESS THE ALLIGATOR HAS BEEN DETERMINED TO BE A NUISANCE; TO REQUIRE THE DEPARTMENT TO ESTABLISH SPECIFIC METHODS OF HUMANE CAPTURE, REMOVAL, AND DISPOSAL OF ALLIGATOR PARTS; AND TO EXPAND THE SCOPE OF ACTIONS VIOLATING THE PROVISIONS OF THIS SECTION TO INCLUDE THE INHUMANE TAKING, REMOVING, AND DISPOSITION OF AN ALLIGATOR OR ALLIGATOR PARTS, AND TO PROVIDE THAT THE OFFICIAL CITATION ISSUED BY ENFORCEMENT OFFICERS MAY BE USED TO CITE VIOLATIONS OF THIS SECTION.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 1044 -- Senators Hutto, Williams and Campbell: A BILL TO AMEND SECTION 40-37-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCATIONS WHERE OPTOMETRY MOBILE UNITS MAY VISIT AND PROVIDE VISION SERVICES, SO AS TO INCLUDE TITLE I PUBLIC SCHOOLS AMONG THOSE PLACES IF THE SERVICES ARE RENDERED AS PART OF NOT-FOR-PROFIT PROGRAMS.

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

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S. 1045 -- Senator Goldfinch: A BILL TO AMEND SECTION 7-7-270(B), AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 1046 -- Senators Hutto, Talley, Sheheen, Young and Setzler: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BY ADDING SECTION 44-1-225, TO PROVIDE THAT ALL NURSING HOMES AND SKILLED AND INTERMEDIATE CARE NURSING FACILITIES LICENSED BY THE DEPARTMENT ARE REQUIRED TO MAINTAIN A GENERAL LIABILITY INSURANCE POLICY OF AT LEAST ONE MILLION DOLLARS, AND TO PROVIDE A PENALTY.

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

S. 1047 -- Senator Williams: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MRS. SARAH DIXON FOR HER CONSIDERABLE CONTRIBUTIONS TO AND PARTICIPATION IN THE HORRY ELECTRIC COOPERATIVE, INC., AND TO CONGRATULATE HER UPON BEING NAMED THE COOPERATIVE'S 2020 RURAL LADY OF THE YEAR.

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The Senate Resolution was adopted.

H. 3199 -- Reps. Govan, Clyburn, Gilliard and Garvin: A BILL TO AMEND SECTION 59-29-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTRUCTIONAL TOPICS REQUIRED IN HIGH SCHOOL FINANCIAL LITERACY PROGRAMS, SO AS TO ALSO REQUIRE INSTRUCTION ON THE TOPICS OF COLLEGE AND EDUCATION LOANS, KEY LOAN TERMS, MONTHLY PAYMENT OBLIGATIONS, REPAYMENT OPTIONS, CREDIT, AND EDUCATION LOAN DEBT.

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

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H. 3244 -- Reps. Brown, Mack, Pendarvis and Gilliard: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE GOVERNANCE OF THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THOSE PROCEDURES WHICH THE DISTRICT BOARD OF TRUSTEES MUST FOLLOW TO CLOSE A RURAL SCHOOL, TO DEFINE "RURAL SCHOOL", TO REQUIRE THE BOARD TO DOCUMENT THAT ANY SUCH CLOSING MUST RESULT IN A REDUCTION IN THE OPERATING EXPENSES OF THE DISTRICT TRANSLATED INTO AN ESTIMATED PROPERTY TAX MILLAGE REDUCTION THAT MUST BE REFLECTED BEGINNING FOR THE FIRST PROPERTY TAX YEAR AFTER THE CLOSING DATE, TO REQUIRE THE BOARD TO CONDUCT THREE PUBLIC HEARINGS IN THE AFFECTED COMMUNITY TO RECEIVE PUBLIC COMMENTS, TO SPECIFY OTHER CONSIDERATIONS RELATING TO TRAVEL TIME AND ADDITIONAL TRAVEL EXPENSES AND THE OVERALL BENEFIT TO STUDENTS AND THE DISTRICT FROM CLOSING THE SCHOOL, TO REQUIRE THE BOARD TO PREPARE A COMPREHENSIVE REPORT ON THESE ISSUES BEFORE MAKING A DECISION ON THE CLOSING AND REQUIRE THIS REPORT, UPON COMPLETION, TO BE FORWARDED TO EACH MEMBER OF THE LEGISLATIVE DELEGATION REPRESENTING THE CHARLESTON COUNTY SCHOOL DISTRICT, AND TO PROVIDE CERTAIN EXCEPTIONS TO THE ABOVE REQUIREMENTS.

Read the first time and ordered placed on the Local and Uncontested Calendar.

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

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STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

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

H. 3695 -- Reps. Calhoon, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten, Hill and Jones: A BILL TO AMEND SECTION 56-3-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO PROVIDE THAT FOR THE SOLE PURPOSE OF DETERMINING HIGH MILEAGE TAX DEDUCTIONS, MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES SHALL BE CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES.

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

H. 4076 -- Reps. Tallon, Hixon, Johnson, W. Newton and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-30-135 SO AS TO PROVIDE THAT AN AGENCY OR INSTRUMENTALITY IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT OR A PUBLIC INSTITUTION OF HIGHER LEARNING WITH A GOVERNING BOARD OR COMMISSION SHALL PROVIDE INCUMBENT MEMBERS OF THE BOARD AND NEW MEMBERS OF THE BOARD WITH A WRITTEN DOCUMENT OUTLINING THE AGENCY'S, INSTRUMENTALITY'S, OR INSTITUTION'S STATUTORY DUTIES AND POWERS, WHICH INCUMBENT BOARD MEMBERS MUST SIGN WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND WHICH NEW BOARD MEMBERS MUST SIGN WITHIN NINETY DAYS AFTER TAKING OFFICE.

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

H. 4202 -- Reps. Pope, Felder, Ligon, Stavrinakis, Simrill, Bryant, Finlay, Hixon and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-145 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ISSUE UPON RECEIPT OF CERTAIN DOCUMENTATION A CERTIFICATE OF FOREIGN BIRTH FOR A CHILD WITH UNITED STATES CITIZENSHIP WHO IS BORN IN A FOREIGN COUNTRY TO A PARENT WHO IS A RESIDENT OF SOUTH CAROLINA; AND TO AMEND SECTION 44-63-140, RELATING TO SUPPLEMENTARY OR AMENDED

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BIRTH CERTIFICATES, SO AS TO MAKE A TECHNICAL CORRECTION.

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

H. 4286 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 39-23-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIREMENTS FOR PRESCRIPTION DRUG LABELS, SO AS TO INCLUDE LOT NUMBERS.

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

H. 4403 -- Reps. Bennett and Brown: A BILL TO AMEND SECTION 59-63-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BULLYING PROHIBITION POLICIES ADOPTED BY SCHOOL DISTRICTS, SO AS TO PROVIDE PROCEDURES FOR RESPONDING TO AND REMEDIATING ALLEGATIONS OF BULLYING, TO REQUIRE AN APPEALS PROCEDURE, AND TO PROVIDE CERTAIN ADDITIONAL REQUIREMENTS OF SCHOOL DISTRICTS AND THE SUPERINTENDENT OF EDUCATION.

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

H. 4404 -- Reps. Stringer, Herbkersman, W. Newton, Yow, Huggins, Ballentine, Erickson, B. Cox, Elliott, Allison, Forrest, G. M. Smith and Haddon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "VETERANS NURSING DEGREE OPPORTUNITY ACT"; AND BY ADDING ARTICLE 3 TO CHAPTER 33, TITLE 40 SO AS TO AUTHORIZE THE DEVELOPMENT AND IMPLEMENTATION OF VETERAN ASSOCIATE OF SCIENCE IN NURSING DEGREE PROGRAMS AND VETERAN BACHELOR OF SCIENCE IN NURSING DEGREE PROGRAMS TO ENABLE MILITARY VETERANS WITH RELEVANT MILITARY TRAINING AND EXPERIENCE TO EXPEDITE THE TRANSITION FROM MILITARY LIFE TO A PROFESSIONAL CAREER IN NURSING, TO PROVIDE NECESSARY DEFINITIONS, TO REQUIRE A COLLABORATIVE EFFORT BY THE COMMISSION ON HIGHER EDUCATION, STATE BOARD OF NURSING, BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND DIVISION OF VETERANS' AFFAIRS TO IDENTIFY GAPS BETWEEN RELEVANT MILITARY EDUCATION AND TRAINING AND ACADEMIC REQUIREMENTS FOR UNDERGRADUATE NURSING EDUCATION PROGRAMS AND DEGREES APPROVED BY THE

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STATE BOARD OF NURSING AND LICENSURE BY THE BOARD, AND TO APPROVE CURRICULUM TO ENABLE MILITARY VETERANS TO APPLY SUCH EDUCATION AND TRAINING TOWARD REQUIREMENTS FOR AN ASSOCIATE'S DEGREE IN NURSING OR A BACHELOR'S DEGREE IN NURSING AND LICENSURE AS A LICENSED PRACTICAL NURSE OR REGISTERED NURSE, AMONG OTHER THINGS.

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

H. 4504 -- Reps. Davis, Daning, Moore, Matthews, Hiott, Forrest, Hixon and Ligon: A BILL TO AMEND SECTION 44-96-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PENALTIES FOR VIOLATING WASTE TIRE REGULATIONS, SO AS TO CHANGE CERTAIN PENALTY REQUIREMENTS; TO AMEND SECTION 44-96-170, RELATING TO THE REGULATION OF WASTE TIRES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS AND MAKE CERTAIN PERMITTING DECISIONS CONCERNING WASTE TIRE MANAGEMENT; TO AMEND SECTION 44-96-450, RELATING TO PENALTIES FOR VIOLATION OF CERTAIN STATE SOLID WASTE MANAGEMENT LAWS, SO AS TO CHANGE CERTAIN PENALTY REQUIREMENTS; AND FOR OTHER PURPOSES.

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

H. 4811 -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest, Hixon and Ligon: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

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

H. 4819 -- Reps. Gilliam and Clyburn: A BILL TO PROVIDE FOR PAYMENT FOR THE ATTENDANCE OF MEETINGS BY THE UNION COUNTY TRANSPORTATION COMMITTEE.

Read the first time and referred to the Union County Delegation.

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H. 5014 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, 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 CONGRATULATE MRS. DALE GILES EARHARDT OF COLUMBIA ON THE OCCASION OF HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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

REPORTS OF STANDING COMMITTEES

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

S. 754 -- Senators Hembree and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-49-35 SO AS TO REQUIRE CERTAIN TRAINING OF THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-85 SO AS TO PROVIDE QUALIFICATIONS OF THE SCHOOL'S FACULTY; BY ADDING SECTION 59-49-112 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH THE STANDARD COURSE OF STUDY OF THE SCHOOL; BY ADDING SECTION 59-49-115 SO AS TO PROVIDE FOR THE AWARDING OF DIPLOMAS; BY ADDING SECTION 59-49-117 SO AS TO PROVIDE ADMISSIONS REQUIREMENTS OF STUDENTS; BY ADDING SECTION 59-49-135 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH A FOUNDATION AND MAINTAIN AN ENDOWMENT FUND FOR THE SCHOOL;

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BY ADDING SECTION 59-49-160 SO AS TO PROVIDE THE BOARD MAY EMPLOY CAMPUS POLICE, TO PROVIDE QUALIFICATIONS AND OTHER REQUIREMENTS OF THESE CAMPUS POLICE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON CAMPUS, AND TO PROVIDE THE BOARD MAY PROMULGATE CERTAIN RELATED REGULATIONS; TO AMEND SECTION 59-49-10, RELATING TO THE ESTABLISHMENT OF THE JOHN DE LA HOWE SCHOOL, SO AS TO RENAME AND REESTABLISH THE SCHOOL AS THE GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE, AND TO PROVIDE THE PURPOSE OF THE SCHOOL; TO AMEND SECTION 59-49-20, RELATING TO THE BOARD OF TRUSTEES, SO AS TO ADD CERTAIN EX OFFICIO MEMBERS; TO AMEND SECTION 59-49-30, RELATING TO REMOVAL OF BOARD MEMBERS BY THE GOVERNOR FOR CAUSE, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-40, RELATING TO MEETINGS OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-70, RELATING TO THE DECLARATION OF THE SCHOOL AS A BODY POLITIC, SO AS TO MAKE CONFORMING CHANGES CONCERNING THE RENAMING OF THE SCHOOL; TO AMEND SECTION 59-49-100, RELATING TO THE PURPOSE OF THE SCHOOL, SO AS TO PROVIDE ADDITIONAL ADMISSIONS CRITERIA; TO AMEND SECTION 59-49-110, RELATING TO THE CONDUCT OF FORESTRY AND FARM PRACTICES BY THE SCHOOL AND USE OF REVENUE DERIVED FROM THESE PRACTICES, SO AS TO PROVIDE THE SCHOOL SHALL SERVE AS A DEMONSTRATION FARM AND PROVIDE INSTRUCTION AND SUPPORT TO FARMERS AND PERSONS WORKING IN, OR WHO HAVE AN INTEREST IN, THE BUSINESS OF AGRICULTURE; TO AMEND SECTION 59-49-130, RELATING TO OBSOLETE PROVISIONS CONCERNING THE USE OF INCOME DERIVED FROM CERTAIN ENDEAVORS, SO AS TO PROVIDE FOR THE USE OF INCOME DERIVED FROM CERTAIN CURRENT ENDEAVORS OF THE SCHOOL; AND TO AMEND SECTION 59-49-150, RELATING TO EXPENSES OF STUDENTS, SO AS TO PROVIDE STUDENTS WHO ARE LEGAL RESIDENTS OF THIS STATE ARE NOT REQUIRED TO PAY TUITION BUT SHALL PAY CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES UNLESS THEY MEET CERTAIN POVERTY REQUIREMENTS, AND TO PROVIDE ALL OUT-OF-STATE AND FOREIGN EXCHANGE STUDENTS WHO

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ATTEND THE SCHOOL SHALL PAY TUITION AND CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 909 -- Senators Gambrell and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; TO AMEND SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; TO AMEND SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; TO AMEND SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; AND TO AMEND SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT

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PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

Ordered for consideration tomorrow.

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

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

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AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 4246 -- Reps. Sandifer and Thayer: A BILL TO AMEND ACT 60 OF 2017, RELATING TO CRIMINAL BACKGROUND CHECKS BY THE REAL ESTATE COMMISSION, SO AS TO CHANGE THE TIME EFFECTIVE DATE TO JULY 1, 2020.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

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

SECOND READING BILL

S. 1010 -- Senators Young, Massey and Setzler: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NON-VOTING MEMBERS.

On motion of Senator YOUNG.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT", TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE

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CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

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

Amendment No. 9

Senator CAMPSEN proposed the following amendment (419R026.SP.GEC):

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Teacher Bill of Rights

Section 59-25-910. (A) All certified public school teachers in South Carolina have a right to:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, made in accordance with written school and district policies provided to faculty, be fully respected by school and district officials;

(2) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(3) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(4) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(5) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher’s primary directive to implement effective instruction for their students;

(6) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

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(7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations; and

(8) file a declaratory judgment action if schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.

(B) No monetary damages may be awarded for violations of subsection (A). The court may award attorneys' fees at its discretion." /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Motion Adopted

On motion of Senator CAMPSSEN, with unanimous consent, Senators CAMPSSEN, MASSEY, M.B. MATTHEWS and GAMBRELL were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

PRESIDENT PRESIDES

At 1:07 P.M., the PRESIDENT assumed the Chair.

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REPORTS RECEIVED

Joint Screening Committee
For The Legislative Audit
Council

Sen. Thomas C.
Alexander
Sen. John L. Scott, Jr.
Sen. Daniel B. Verdin,
III

Staff:
Martha Casto
Julie Price



Rep.Chandra E. Dillard
Rep.Jeffrey E. Johnson
Rep. William E. Sandifer

213 Gressette Building
P.O. Box 142
Columbia, South Carolina 29202
Phone: (803) 212-6430
Email: President@scsenate.gov

Joint Screening Committee
For The Legislative Audit Council
Report to the General Assembly
January 23, 2020

Legislative Audit Council

At-Large Seat - expires 2025 (one seat)

CANDIDATES FOUND QUALIFIED AND NOMINATED

Dennis P. Caldwell -- *Columbia*
Jane P. Miller -- *Beaufort*

Attorney Seat - expires 2025 (one seat)

CANDIDATES FOUND QUALIFIED AND NOMINATED

Charles L.A. Terreni -- *Columbia*

*Certified Public Accountant or Licensed Public Accountant Seat -
expires 2025 (one seat)*

CANDIDATES FOUND QUALIFIED AND NOMINATED

Rodney E. Druschel -- *Summerville*
Philip F. Laughridge -- *Columbia*

THURSDAY, JANUARY 23, 2020

Date: Wednesday, December 4, 2019
Time: 10:00 a.m.
Location: 209 Gressette Building
1101 Pendleton Street
Columbia, South Carolina 29201

Committee Members Present:

Senator Thomas C. Alexander, Chairman
Senator Daniel B. Verdin, III
Representative Chandra E. Dillard
Representative Jeffrey E. Johnson

Also Present:

Martha Casto, Staff
Julie Price, Staff

10:17 a.m.

CHAIRMAN SENATOR ALEXANDER: Good morning. I'll call this meeting of the Joint Screening Committee for the Legislative Audit Council to order on this Wednesday, December 4. A quorum is present. I also have the proxy of Representative Chairman Bill Sandifer for the record as well. We will proceed to our screening. First, let me thank the candidates being here this morning. First up, we have an at-large seat that expires in 2025. There are two candidates. First we will call Mr. Dennis Caldwell forward.

If you would, stand so I can swear you in, and then I'll ask you to be seated. Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. CALDWELL: Yes, I do.

CHAIRMAN SENATOR ALEXANDER: Please be seated and state your full name for the record. And it's good to see you, and I appreciate you being here this morning.

MR. CALDWELL: My name is Dennis Percy Caldwell.

CHAIRMAN SENATOR ALEXANDER: Okay. And could you tell us -- make a brief statement about why you would like to serve on the Legislative Audit Council.

MR. CALDWELL: Yes. I have a one-page thing I'd like to read, if I could.

CHAIRMAN SENATOR ALEXANDER: Okay.

MR. CALDWELL: And you all have the notebook in front of you.

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CHAIRMAN SENATOR ALEXANDER: Yes. We have the notebook in front of us. Yes, sir. Thank you, sir. We appreciate you providing that.

MR. CALDWELL: Thank you for allowing me time to introduce myself as a candidate for the open board of directors position on the South Carolina Legislative Audit Council. For most of my adult life, I have served in positions of public trust. I would like to continue serving the public as a board member for the Audit Council. I believe my firsthand understanding of government would help me continue being a good public servant. I've held executive positions in the healthcare field, including the first director of South Carolina Health and Human Services Finance Commission, which later was named Health and Human Services Agency. Working knowledge, responsibility, and process of the Audit Council as state auditor. I have been audited by both. We had a good audit, by the way. Also, I've worked close with many South Carolina state agencies, resulting in my understanding of their mission and operations. I have a very broad view of government, federal, state, local, as well as the specific knowledge of them. These agencies' functions include health, social service, developmental disabilities, mental health, drug and alcohol, aging, and LLR. I might add the aging isn't because I'm aging. It's that I've worked with them.

CHAIRMAN SENATOR ALEXANDER: Yes, sir.

MR. CALDWELL: I guess that's better than the alternative. I also have had a close working relationship with the Attorney General's office. We were sued by the nursing home industry, and I had to appear in court as a witness for them. And we worked hands-on with cases with them. The state legislature, very close. The Governor's office, local jails and state prisons. After retiring, I was a substitute teacher in private and public school systems. We have wonderful teachers in this state. I might add that we have wonderful state employees too, a close working relationship. We're very fortunate in this state. Further, I've worked close with the federal government, including public health service and Indian health; all levels of government and nonprofit organizations.

Five years ago, I felt a calling to be a minister in my denomination. I'm a licensed minister, volunteer chaplain in the county jail and on death row. It's given me knowledge of that system the court system. My church at times, I preach and I'm a director of our missionary program at our church. I've included a few of the many certificates of appreciation I've received by my performances. I'd like to just point them out and then I'll stop there if I could.

The first one in Exhibit 1 was the commissioners I've worked for as a first director of the agency that became Health and Human Services. We

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had to settle -- we had three months to put in a whole new hospital system, reimbursement system, which we were able to do. We had lawsuits in the nursing home industry which we were able to do, and many others. On Exhibit 2, just quickly, the resolution by the House, thanking me for my duties. Number 3, I went to Idaho to work in a ministerial license at a Nazarene college out there. I was a volunteer chaplain for the state prison system and the county jail. That's from the state prison system. The next one is an example in the federal government. I was on a high advisory council as the youngest person ever appointed to that council. And the last one was appreciation for the public health service and Indian health service. I worked with an Indian tribe. There are many more. I've worked for wonderful employees and have worked for wonderful agencies and I've had many opportunities in my life for which I'm very grateful. It gives me a broad understanding of government, of how they work and how they function. I'll stop there, sir. And thank you for letting me say that.

CHAIRMAN SENATOR ALEXANDER: Thank you. We appreciate that. One thing. You point out that you've participated in audits, being audited there. What would you see the value of that experience as being a member of the Legislative Audit Council, briefly?

MR. CALDWELL: Briefly, first of all, it keeps agencies on their feet. They say, Uh-oh. The Audit Council might come over here. We'd better -- you know. So kind of a good prodding. The second thing, it adds to a public accountability, which is very, very important. An openness is critical in government. We would be worse off in the state if we did not have the Legislative Audit Council.

CHAIRMAN SENATOR ALEXANDER: Any questions by members of the review committee? Is there anything that would prevent you from fulfilling these duties? Do you have the time to devote to them?

MR. CALDWELL: Yes, I do. I'm retired.

CHAIRMAN SENATOR ALEXANDER: Okay.

SENATOR VERDIN: I'll move favorable.

CHAIRMAN SENATOR ALEXANDER: I've got a motion for favorable. Do I have a second?

REPRESENTATIVE JOHNSON: Second.

CHAIRMAN SENATOR ALEXANDER: I have a second. Any discussion? We will go to the vote. All in favor, please say aye.

REPRESENTATIVE JOHNSON: Aye.

REPRESENTATIVE DILLARD: Aye.

SENATOR VERDIN: Aye.

CHAIRMAN SENATOR ALEXANDER: Any opposed? The proxy at hand makes it unanimous.

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MR. CALDWELL: Thank you for your time very much.

SENATOR ALEXANDER: Thank you for your willingness to serve.

MR. CALDWELL: Thank you.

CHAIRMAN SENATOR ALEXANDER: Thank you, sir. Thank you for your time today. Also we have, for the at-large seat that expires in 2025, Jane P. Miller. Good morning.

MS. MILLER: Good morning.

CHAIRMAN SENATOR ALEXANDER: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. MILLER: I do.

CHAIRMAN SENATOR ALEXANDER: Please be seated and provide your full name for the record.

MS. MILLER: My name is Jane Pike Miller, and I'm from Beaufort, South Carolina.

CHAIRMAN SENATOR ALEXANDER: Would you like to make a statement, a brief statement?

MS. MILLER: Yes. I've been on the Legislative Audit Council for about nine years, and went on without the intention of -- I didn't know a whole lot about it. But the longer I've been on it, the more impressed I am with the Audit Council and how they serve the legislature and the citizens of South Carolina. The job they do is remarkable, and it provides fiscal accountability and managerial accountability for all of our agencies. And I commend the legislature when they request audits because -- and I feel like I have a good relationship with the staff. And I've been a good member, I think. I've made all the meetings except the latest one. I had knee surgery. So I'd like to continue to serve.

CHAIRMAN SENATOR ALEXANDER: What would you say has been your -- you mentioned your service on there. In working with the different agencies, what has been the most surprising thing that you've come across as being a member of the Legislative Audit Council?

MS. MILLER: The most surprising thing I think is, I guess -- well, the audits, to me, provide so much good information for the requesters. I'm surprised sometimes that we have audits that need to be done, like, every two or three years, that recommendations that we've made that I think are really good recommendations have not been implemented.

CHAIRMAN SENATOR ALEXANDER: Do you all follow those recommendations that are made once they're made to see if action is taken on it from the standpoint?

MS. MILLER: We do. We do. And when we do a follow-up audit, we make note of that in the audit.

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CHAIRMAN SENATOR ALEXANDER: Another, I guess, aspect that has kind of changed in the last few years, it's more the House and Senate Oversight Committees.

MS. MILLER: Right.

CHAIRMAN SENATOR ALEXANDER: Can you describe how that has worked in correlation with the Legislative Audit Council?

MS. MILLER: That's been a pleasant surprise. We have -- except for the fact that we lost Andrea. But, anyway, there's been occasion where we're both involved in audit for the same commission, and we've worked together. And they do have an advantage that they do have subpoena power, which we don't have, which would be great to have, by the way. And I think we've had a good working relationship with them because they may have done an audit that we're doing later, or maybe we've done one that they're following up on. And I think it's been a good situation.

CHAIRMAN SENATOR ALEXANDER: Okay. Do you all -- one last question, going back to your other question. On those recommendations that you all make, do you all continue to make the General Assembly aware of those that maybe the agency has not --those the agency has not been responsive to? And I understand you said the follow-up audits and things of that nature, but are there other mechanisms that you all make the legislature aware of, that the agency is not fulfilling that responsibility?

MS. MILLER: Well, when the audit is released, we present it to the requesting legislators. And our director, I'm pretty sure, Mr. Powell, he maintains a relationship and stays in touch with them. But it's difficult. You're talking large agencies. And it might be a few things that we might recommend that things be done out of a lot of things. And so -- and some they may not agree with.

CHAIRMAN SENATOR ALEXANDER: Other questions?

REPRESENTATIVE JOHNSON: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, sir.

REPRESENTATIVE JOHNSON: Thank you, Mr. Chairman. Jeff Johnson, Horry County.

MS. MILLER: (Nodding head.)

REPRESENTATIVE JOHNSON: What is it since you've been on the LAC for nine years that you've enjoyed the most about your role?

MS. MILLER: I've enjoyed the fact that I think we've gone into a lot of these agencies and found situations that they can improve upon that they were unaware of and where changes were made to the benefit of the agency and the taxpayers of South Carolina.

REPRESENTATIVE JOHNSON: Helping those agencies run --

MS. MILLER: I think so. I'd like to think to.

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REPRESENTATIVE JOHNSON: -- run better?

MS. MILLER: If you've taken the time to look at the audits that the staff produces, it would have to make an impact on them.

REPRESENTATIVE JOHNSON: Thank you, Mr. Chairman.

REPRESENTATIVE DILLARD: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Representative.

REPRESENTATIVE DILLARD: Thank you, Mr. Chairman.

MS. MILLER, good morning.

MS. MILLER: Good morning.

REPRESENTATIVE DILLARD: And thank you for your service.

MS. MILLER: Thank you.

REPRESENTATIVE DILLARD: I'm going to ask the question in a different way.

MS. MILLER: Okay.

REPRESENTATIVE DILLARD: In your nine years, what do you think has been the council's biggest contribution? You know, as a board member, what do you think has been the biggest contribution to the state since you've been serving?

MS. MILLER: Well, every audit has its own unique personality, I guess you would say. And they're all important. So it would be very difficult for me to say one in particular. And everybody is just -- like, who requested the audit, I guess they would think it's more important than the other person. So they all serve their purpose.

REPRESENTATIVE DILLARD: Thank you.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Senator.

SENATOR VERDIN: Well, I have a questions about your comments regarding the subpoena, but first I wanted -- do you have any cousins in Five Forks or Mauldin or Gilder Creek?

MS. MILLER: I do not.

SENATOR VERDIN: You were born in Beaufort.

MS. MILLER: Born in Beaufort.

SENATOR VERDIN: Well, is Pike your maiden name?

MS. MILLER: It is.

SENATOR VERDIN: I'm going to send you some pictures of some people --

MS. MILLER: Okay.

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SENATOR VERDIN: -- that live in Greenville County, and you're going to swear they're your cousins, Pikes and Tanners. So if you had subpoena power, can you name a few -- well, you obviously have instances of glaring --

MS. MILLER: Occasionally we do run into a roadblock. Our auditors will go in and they'll encounter roadblocks, as I'm --

SENATOR VERDIN: It's hard for me to believe you would not eventually come to a satisfactory resolution of an inquiry.

MS. MILLER: Ninety percent of the time, we do. And I may be speaking out of turn here because I'm not involved in the audit itself. Our board just reviews them once they're produced. But we have had occasion where the material is just not provided.

SENATOR VERDIN: And, of course, is that reflected --

MS. MILLER: And it's mentioned in the audit. They mention it. They reveal that in the audit. But I believe the Senate Oversight Committee has the subpoena. And it's not that we -- that you necessarily have to use it, but if you go in and they know you have it, it helps.

CHAIRMAN SENATOR ALEXANDER: And I would guess to that point -- and maybe we can have a follow-up on that -- that if an agency is not providing information, I would hope that's being provided back to those that have requested the audit. You may not take a subpoena but they may take another course of action.

MS. MILLER: Well, we've had phone calls made by the legislator requesting the audit to the agency, hoping that would resolve it. And, by the way, the legislators that serve on our council are phenomenal too. They do a great job of coming to meetings and being interested in providing guidance as well.

CHAIRMAN SENATOR ALEXANDER: I appreciate those comments. I don't think it's any of us, but we appreciate those comments, and we'll pass that on to them. Yes, sir, Representative.

REPRESENTATIVE JOHNSON: Thank you, Mr. Chairman. On that line of subpoena powers, how broad are you suggesting that the LAC should have subpoena powers? Because once you open that box --

MS. MILLER: That's a hornet's nest.

ATTENDEE: May I answer that?

CHAIRMAN SENATOR ALEXANDER: Well, I don't think -- I think we just need to stay with the candidate.

MS. MILLER: I guess simply to provide the information we're asking for.

REPRESENTATIVE JOHNSON: Because subpoena powers can be kind of broad. It can be just the agency or others outside that agency and individuals.

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MS. MILLER: And I think we're just talking our auditors to get the information that they need to conduct the audits.

REPRESENTATIVE JOHNSON: To just those agencies, subpoenas to those agencies only? Because that's the problem with subpoenas. They can be issued to a lot of different people and entities. So I was just wondering. I think I understand the reason that you're suggesting that. The issue is how broad is the subpoena power for that --

MS. MILLER: Just if we go into an agency to do an audit and they won't give us the information, to say, Please don't make us subpoena for the information.

REPRESENTATIVE JOHNSON: But like you said, that is put in the report that you submit, right?

MS. MILLER: And that's -- it's not common. It's more like -- it's not very common. But it seems to be -- I guess lately, it's been a little bit of a problem.

REPRESENTATIVE JOHNSON: All right. Thank you.

CHAIRMAN SENATOR ALEXANDER: Other questions.

REPRESENTATIVE DILLARD: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, ma'am, Representative.

REPRESENTATIVE DILLARD: Thank you, Mr. Chairman. Representative Johnson made me have a follow-up. Does the council set guidelines for, I guess, engagement or -- let me give you an example. Representative Johnson and I serve on -- we're undergoing a study of SCDC, and we had an audit. The Legislative Audit Council came and presented.

MS. MILLER: (Nodding head.)

REPRESENTATIVE DILLARD: And so there was a point in our, I guess, deliberation or listening to the information where expertise was, you know, held in confidence. And I was just wondering, does the council set those kinds of guidelines of, I guess, like engagement, or is that a staff thing? I mean, do you guys set policy for the council -- for the investigators, is guess is what I'm getting at?

MS. MILLER: We don't set guidelines. We just -- they just do the audits according to the Blue Book standard.

REPRESENTATIVE DILLARD: Okay.

MS. MILLER: And we -- an audit's presented to the board, and we review it and we make recommendations.

REPRESENTATIVE DILLARD: Okay. All right. Thank you.

SENATOR VERDIN: Move favorable.

CHAIRMAN SENATOR ALEXANDER: I have a motion by the Senator from Laurens for favorable. Is there a second?

REPRESENTATIVE JOHNSON: Second.

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REPRESENTATIVE DILLARD: Second.

CHAIRMAN SENATOR ALEXANDER: Numerous seconds. If there's no further discussion, I'll go to the vote. All in favor, please say aye.

REPRESENTATIVE JOHNSON: Aye.

REPRESENTATIVE DILLARD: Aye.

SENATOR VERDIN: Aye.

CHAIRMAN SENATOR ALEXANDER: Any opposed? It's unanimous with proxy in hand. And we appreciate your willingness to continue to serve.

MS. MILLER: Thank you.

CHAIRMAN SENATOR ALEXANDER: Thank you for being here this morning. At this time, we'll go to the next individual to be screened. And it's designated as the attorney seat. It expires in 2025. Mr. Charles L.A. Terreni. Good morning, sir.

MR. TERRENI: I'm doing well. Thank you.

CHAIRMAN SENATOR ALEXANDER: If we could have you stand so we can swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. TERRENI: I do.

CHAIRMAN SENATOR ALEXANDER: Thank you. Be seated and give your full name for the record, sir.

MR. TERRENI: Charles Leverett Adams Terreni.

CHAIRMAN SENATOR ALEXANDER: Thank you. Would you like to make a brief statement or a statement?

MR. TERRENI: Certainly. It was many years ago -- it was in the '90s -- that I worked for Lieutenant Governor Bob Peeler. And Lieutenant Governor Peeler's mission at the time was wanting to make government more like a business. I think even Lieutenant Governor Peeler would have conceded that government can't act exactly like a business, but it can learn from business. It can be informed from it. And businesses every day pay hundreds of thousands, sometimes more, for management audit services from groups like Deloitte & Touche or Ernst & Young, various consulting groups. The Legislative Audit Council provides a similar function, although at a much more reasonable price, to state agencies. It's an invaluable asset. They get management -- I mean, the staff that you have working on this council is phenomenal. You have lawyers. You have accountants. They're not very well paid, but it's a labor of love for them. And I've enjoyed working on the council for those same reasons. The audits are interesting. Some of them are, frankly, life changing. I mean, our audit of the Department of Juvenile Justice, some of those findings were heart wrenching. There are other significant audits, like Corrections. Then there are other more mundane things that

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are equally important, like the lottery, how funds are spent, whether or not it's serving the interests of the General Assembly. So I've enjoyed this work. I've been doing it since 2014. I'd like to think I'm engaged with the staff. I provide a legal background that is sometimes helpful and other times probably drives them crazy. But I would love to be reappointed.

CHAIRMAN SENATOR ALEXANDER: Any other questions? From your experience with the Public Service Commission you mentioned here for five years and insight into challenges faced by state agencies, how has that helped you in fulfilling your duties as a member of the Legislative Audit Council?

MR. TERRENI: Well, Mr. Chairman, I think I'm the only member of -- well, I know I'm the only member of the Audit Council now who's actually been on the receiving end of an audit. It was conducted before I became director of the Public Service Commission in 2005. But I had to answer the follow-ups to it on whether the PSC at the time was conforming to the council's recommendations. So I gained some perspective. And, you know, I thought there were some recommendations made in that audit that were directed probably better at the legislature in the sense that they were criticisms of programs that we were legislatively directed to administer. There were others that we really needed to implement and which, I think, we did, involving regulations against ex parte communications and things of that nature. But that's part of the tension, Mr. Chairman, is -- there are times in conducting an audit where part of the mission of the council is to make policy recommendations. But another valuable -- or another important function of the council is to ensure that agencies are carrying out the will of the General Assembly. And it's not our role to substitute our judgment for that of the General Assembly.

CHAIRMAN SENATOR ALEXANDER: Questions?

SENATOR VERDIN: Mr. Chairman.

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Senator from Laurens.

SENATOR VERDIN: Thank you, Mr. Chairman. And I'm just looking at the staff notes to reconcile the notations on the redistricting contracts. So I remember well your work from 20 years ago and ten years ago.

MR. TERRENI: Thank you.

SENATOR VERDIN: But I think I'm reading in the staff notes where you still maintain a relationship with the senate. I don't see it on the disclosure, but I'm reading it in the notes.

MR. TERRENI: Senator, I do not have an engagement with the senate at the moment. I was reimbursed -- and I think I disclosed that on my

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questionnaire -- for a trip to an NCSL redistricting conference which I attended with senate staff.

SENATOR VERDIN: Okay.

MR. TERRENI: But other than that, I haven't received any remuneration and I don't have engagement.

SENATOR VERDIN: And I think that's probably noted in the notes. I'm just --

MR. TERRENI: Yes, sir.

SENATOR VERDIN: If I'd read for 30 more seconds, I think I would have seen it.

MR. TERRENI: Okay.

REPRESENTATIVE JOHNSON: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Representative.

REPRESENTATIVE JOHNSON: Thank you, Mr. Chairman. It sounds like one of my questions was going to be early on, but you kind of answered it. It sounds like you do have some pretty in-depth experience dealing with audits. Is that correct?

MR. TERRENI: Yes, sir, though as a practical matter -- I'm not an auditor, but as a practical matter and through my service on the commission, I'm likely to read most of the audits. I'm engaged in them, though I'm not a professional.

REPRESENTATIVE JOHNSON: What's the reason that you want to be on the Legislative Audit Council?

MR. TERRENI: I think it's important work. It's, as I said, something that everybody on that council does, really, as a labor of love. Nobody's paid anything for it. But I enjoy doing something that might make a difference. Again, I think of those -- that prison -- the Juvenile Justice audit. It's really stayed with me. I mean, you had a situation in which deaths at Juvenile Justice prison camp -- at camps, the adventure -- whatever they call them, the wilderness camps -- weren't being reported as required by law. The federal Prison Rape Act wasn't being observed. And the recent corrections on it, the training and background check deficiencies -- I think this is important things. At the same time, I think the agencies -- this isn't a punitive mission. These agencies are challenged budgetarily, with budgets, as you know, with staffing issues. So I don't see it as a situation when you go beat up on somebody and get a headline for it.

REPRESENTATIVE JOHNSON: Thank you. Thank you, Mr. Chairman.

CHAIRMAN SENATOR ALEXANDER: Yes, sir.

SENATOR VERDIN: Move favorable.

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CHAIRMAN SENATOR ALEXANDER: We have a motion by the senator from Laurens for favorable.

REPRESENTATIVE JOHNSON: Second.

CHAIRMAN SENATOR ALEXANDER: Second by Representative Thompson. No other discussion, we'll take it to a vote. All in favor of favorable, please say aye.

REPRESENTATIVE JOHNSON: Aye.

REPRESENTATIVE DILLARD: Aye.

SENATOR VERDIN: Aye.

CHAIRMAN SENATOR ALEXANDER: Any opposed? Let the record reflect it's unanimous with proxy in hand. I appreciate your willingness to continue to serve. It's good to see you today.

MR. TERRENI: Thank you, Mr. Chairman.

CHAIRMAN SENATOR ALEXANDER: Mr. Rodney E. Druschel, Certified Public Accountant seat. Expires in 2025. Good morning, sir. Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. DRUSCHEL: I do.

CHAIRMAN SENATOR ALEXANDER: Thank you for being here. Be seated, and please state your name for the record for us.

MR. DRUSCHEL: Rodney Eugene Druschel.

CHAIRMAN SENATOR ALEXANDER: Would you like to make a brief statement about your interest in the Legislative Audit Council?

MR. DRUSCHEL: Yes, I would. Anticipating that that might be one of the questions that would be of interest, I prepared some remarks, and I may refer to them as I go through this. I hope you don't mind.

CHAIRMAN SENATOR ALEXANDER: Yes, sir.

MR. DRUSCHEL: During my lifetime, I've been blessed in more ways than I can possibly count. Giving back in various ways has been a personal form of thanks for me for these blessings, for example, applying my financial expertise as a volunteer, unpaid board of directors member for over 23 years at several credit unions, which are member-owned, not-for-profit financial cooperatives benefiting the member-owners; or as a universal donor blood type, donating blood every eight weeks to the Red Cross to assist those who need blood when it really matters, as it did for my youngest granddaughter when she was diagnosed with pediatric leukemia at age 9. So serving the citizens of South Carolina, which has been my adopted home since 1978, as a member of the Legislative Council would, to me, be another personal way of giving back.

CHAIRMAN SENATOR ALEXANDER: Is there anything that would preclude you from being able to attend the meetings that would be required for the Legislative Audit Council?

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MR. DRUSCHEL: Only the traffic on Interstate 26.

CHAIRMAN SENATOR ALEXANDER: And, obviously, it's a seat for the public accountant, certified -- CPA. With your experience in that realm, what do you see that as being the value as a member of Legislative Audit Council, just having that designated category within the council?

MR. DRUSCHEL: Well, I've been both an auditor and an auditee.

CHAIRMAN SENATOR ALEXANDER: Okay.

MR. DRUSCHEL: I have in-depth experience as a CPA in both public accounting and private industry. And that serving in various capacities over an extended period of time I think has given me an insightful inquisitiveness that has been honed by years of experience. And I think if an auditor or an audit function has one primary feature or characteristic, it would be an inquisitiveness as to why things are the way they are and if they could be even better.

CHAIRMAN SENATOR ALEXANDER: You mentioned and clarified that you've been auditor and auditee. Having been audited, how would that help you in serving as a member of the council, having been on that side of the equation?

MR. DRUSCHEL: Well, there was a discussion earlier which I found very interesting about subpoena power.

CHAIRMAN SENATOR ALEXANDER: Yes, sir.

MR. DRUSCHEL: In my functions in public accounting as an auditor and as a director of internal audit, one of the things that we never had but always wished we had was subpoena power. But I think being an auditee also allows me from that perspective of recognizing when someone is unnecessarily and perhaps inappropriately providing resistance to the requests for information or data.

CHAIRMAN SENATOR ALEXANDER: Okay. Any questions?

REPRESENTATIVE DILLARD: Mr. Chairman.

CHAIRMAN SENATOR ALEXANDER: Yes, Representative.

REPRESENTATIVE DILLARD: Thank you, Mr. Chairman. Thank you, Mr. Druschel, for your willingness to serve.

MR. DRUSCHEL: It's my privilege.

REPRESENTATIVE DILLARD: I was looking at your -- I guess your application. And you've had various job experiences. And I noticed you've worked for Springs Industry. Were you in the accounting role in those, or being a CPA came later in life?

MR. DRUSCHEL: No. I started out as a CPA. I became a CPA in 1970.

REPRESENTATIVE DILLARD: Okay.

MR. DRUSCHEL: And I went to work for an international CPA firm. I'm originally from Pennsylvania, and one of the requirements in Pennsylvania before you can take the CPA exam is that you work for a

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CPA firm for two years. We, at the time, of course, thought it was a form of indentured servitude. But, nonetheless, I did my two years and then went to work for an international CPA firm and continued in public accounting for about six or seven years, completing my period of time in public accounting as an audit manager for an international CPA firm. After that, one of the experiences I had was as a director of internal audit for a Fortune 500 manufacturing company. Many of you may recognize the name. It was Springs Industries, located in Lancaster, South Carolina. And from that perspective, I was exposed more to manufacturing, but also, we were looking at administrative functions as well. In private industry, it's not abnormal -- as a matter of fact, it's more typical -- for the board of directors to provide a statement that expresses the authorization power that the internal audit function has. And it's usually unrestricted access to all records appropriate to the specific audit being conducted. And so, at that time, I had the opportunity to work with both manufacturing and administrative functions in conducting internal audits. The administrative functions principally were to determine whether they were accomplishing the tasks that they were supposed to be accomplishing and if they were doing so in the most expedient, efficient way possible because, as you know, in for-profit enterprises, as in almost any enterprise, there is a desire to eliminate waste if it's at all possible. Was that responsive to your question?

REPRESENTATIVE DILLARD: Yes. Yes. I was looking -- yes, it was. So you know CPA and performance audits as well.

MR. DRUSCHEL: Yes. As a matter of fact, I was trained as a process improvement consultant and functioned as an internal process improvement consultant for a corporation for a number of years. They have international operations and manufacture durable medical equipment. And as a process improvement consultant, we were trained in what is often known as the Toyota manufacturing process -- improvement process. It's employed by many large companies, including Boeing, which we're blessed to have here in South Carolina.

REPRESENTATIVE DILLARD: Thank you so much. Thank you, Mr. Chairman.

CHAIRMAN SENATOR ALEXANDER: You're welcome. Any other questions?

SENATOR VERDIN: Just an observation.

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Senator from Laurens.

SENATOR VERDIN: I appreciate the fact that you said your adopted home state. And that's been quite a while, I mean, 40-plus years.

MR. DRUSCHEL: Yes.

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SENATOR VERDIN: I think you're the only Pennsylvanian I've ever heard the pronunciation of Lancaster escape his lips rather than Lancaster. So that's a tribute to you. That's a credit to you. I bet your kinfolk that are still up there are still trying to get their head wrapped around it.

MR. DRUSCHEL: Thank you. I lived there for ten years, and it took me about three to finally figure that out.

CHAIRMAN SENATOR ALEXANDER: I appreciate that observation.

SENATOR VERDIN: Move favorable.

CHAIRMAN SENATOR ALEXANDER: I have a motion for favorable by the Senator from Laurens. Do we have a second?

REPRESENTATIVE JOHNSON: Second.

CHAIRMAN SENATOR ALEXANDER: We have a second from Representative Johnson. If there's no other discussion, we'll take that to a vote. All in favor, please say aye.

REPRESENTATIVE JOHNSON: Aye.

REPRESENTATIVE DILLARD: Aye.

SENATOR VERDIN: Aye.

CHAIRMAN SENATOR ALEXANDER: Any opposed? With proxy in hand, it's unanimous that you're found favorable. And the staff will be in contact with all the candidates to confirm when the election is from that standpoint.

MR. DRUSCHEL: Thank you the opportunity.

CHAIRMAN SENATOR ALEXANDER: Good to see you today.(Off-the-record discussion.)

CHAIRMAN SENATOR ALEXANDER: Without any other business to come before us, I would entertain a motion that we adjourn.

REPRESENTATIVE JOHNSON: I move we adjourn.

SENATOR VERDIN: Second.

CHAIRMAN SENATOR ALEXANDER: Anybody that's opposed can stay.

The meeting was adjourned at 10:54 a.m.

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**State Of South Carolina
Joint Screening Committee
For The Legislative Audit Council**

Date: Wednesday, January 15, 2020
Time: 9:30 a.m.
Location: 209 Gressette Building
1101 Pendleton Street
Columbia, South Carolina 29201

Committee Members Present:

Senator Thomas C. Alexander, Chairman
Representative Chandra E. Dillard
Senator John L. Scott, Jr.
Senator Daniel B. Verdin, III

Also Present:

Martha Casto, Staff
Julie Price, Staff

9:34 a.m.

CHAIRMAN SENATOR ALEXANDER: Good morning. I'll call this meeting of the Joint Screening Committee for the Legislative Audit Council to order. We have sufficient numbers here to declare a quorum present, Ms. Dillard, Senator Scott, Senator Verdin, and I'm Thomas Alexander chairing this this morning. We're here for the purpose to screen a candidate who was not able to join with us at our last screening that we had several weeks ago. And so, at this time, I'm going to ask that Philip F. Laughridge please come forward. If you'll stand so I can swear you in, sir. Yes, sir. Just right there would be good. Would you raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. LAUGHRIDGE: I do.

CHAIRMAN SENATOR ALEXANDER: Good. Please be seated. We're delighted to have you here being screened this morning for the Certified Public Accountant seat, one seat and more than one candidate. It's a six-year term. Martha, do you have something?

MS. CASTO: In your folder is his packet of information, his personal data questionnaire that he supplied to the committee. And, also, there is a one-page summary of his packet.

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CHAIRMAN SENATOR ALEXANDER: If you would, please state your name and address for the record, please.

MR. LAUGHRIDGE: I am Philip Laughridge at 1401 Shady Lane in Columbia, South Carolina, just outside Senator Scott's district. It's not quite in it, but close.

CHAIRMAN SENATOR ALEXANDER: Would you make a brief statement as to why you would like to continue to be a member of the Legislative Audit Council.

MR. LAUGHRIDGE: I will. I've actually been on the council since 1995, and I'm presently the council's chairman. I was originally appointed -- golly. I guess it was -- I can't even remember anymore. At the time, it was a lieutenant governor's appointment.

CHAIRMAN SENATOR ALEXANDER: Oh. Is that right? So it was not an election by the General Assembly then.

MR. LAUGHRIDGE: It was a three-year slot. They were not. They were appointments back in the day.

CHAIRMAN SENATOR ALEXANDER: In 1995, who was the lieutenant governor?

SENATOR VERDIN: Peeler?

MR. LAUGHRIDGE: No. It was before Peeler.

SENATOR VERDIN: No. Nick Theodore.

CHAIRMAN SENATOR ALEXANDER: Theodore.

MR. LAUGHRIDGE: And I got a call from a coworker's husband. I was working with Patty Terreni, and her husband, Charlie Terreni, called me, who was working for the Lieutenant Governor's Office, and said, Hey. There's this thing called the Audit Council. Would you like to be the CPA member? I said, Well, I'll do that. So since 1995, I've enjoyed serving on the council. It's a very eye-opening view into state government. And I've always appreciated the work that staff has done. And I've felt like we've been able to help staff and, hopefully, improve reports and improve the information that members of the General Assembly receive.

CHAIRMAN SENATOR ALEXANDER: So you're in the CPA slot. Are you a practicing CPA?

MR. LAUGHRIDGE: Yes, I am. I've been a practicing CPA for -- since 1989.

CHAIRMAN SENATOR ALEXANDER: And is that your primary business?

MR. LAUGHRIDGE: It is. I have two businesses. I'm also licensed by the state as a general contractor and residential homebuilder. And I own that business as well. But my CPA practice has been my primary line of work for -- since 1989.

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CHAIRMAN SENATOR ALEXANDER: Questions from the members?

REPRESENTATIVE DILLARD: (Raises hand.)

SENATOR SCOTT: I've got a couple.

CHAIRMAN SENATOR ALEXANDER: You've got something, Ms. Dillard?

REPRESENTATIVE DILLARD: I do.

CHAIRMAN SENATOR ALEXANDER: Okay. Representative Dillard.

REPRESENTATIVE DILLARD: Mr. Laughridge?

MR. LAUGHRIDGE: Yes.

REPRESENTATIVE DILLARD: Is that the correct --

MR. LAUGHRIDGE: It is.

REPRESENTATIVE DILLARD: Okay.

MR. LAUGHRIDGE: I'll answer to many versions of that, but that is the correct one.

REPRESENTATIVE DILLARD: Well, with a first name like Chandra, I try to get names right because I'm called all kinds of things too.

MR. LAUGHRIDGE: I was saying, in your business, you should be accustomed to that.

SENATOR VERDIN: Well, this is a question from Chandra getting ready to go to Laughridge.

REPRESENTATIVE DILLARD: That's exactly correct. That's exactly correct. You've been serving a very long time. What keeps you motivated to continue serving?

MR. LAUGHRIDGE: As I said, it's an enlightening view into state government. And it's somewhere where -- I think it's been enjoyable and fairly, I think, easy for me to add value to the council. It does require a CPA to be on council. And having the same analytical-minded staff, I feel like I'm in a room of like minds and we can speak to the same goals and reports and I understand what they're trying to achieve in the reports. So it's -- but mainly it's the staff. I've always enjoyed the staff of the council. It's not a big agency, maybe -- Earle, what do we have? Twenty-two or 26 people, something like that? Earle is our director. And all the staff are -- they're very highly qualified, the type of staff you'd look at and you'd go, Wow. How does state government -- you know, how do we enable ourselves to keep this group of people for so long? Because they're just an outstanding group of people that would be easily taken up by other agencies or private industry. And I've always appreciated their commitment to what they do and wanted to support.

REPRESENTATIVE DILLARD: Thank you.

CHAIRMAN SENATOR ALEXANDER: Thank you.

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SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Senator from Richland.

SENATOR SCOTT: Thank you. And thank you again for your willingness to serve. How big is the staff now? I came out of the Governor's Office years ago now when Simpson and others were there, years ago. But how big is the staff now?

MR. LAUGHRIDGE: Earle --

SENATOR SCOTT: I think we took Bob Scott from you all years ago -

MR. LAUGHRIDGE: Really?

SENATOR SCOTT: -- way back before you.

MR. LAUGHRIDGE: We have approximately 25 people. Earle, can you give us an exact number?

MR. POWELL: There are 26 positions, but 20 are filled. Sixteen are auditors.

SENATOR SCOTT: Has that agency done well with recruiting minorities? I know there's a problem finding minorities who would actually work in state government in those particular slots. Has that improved over the years?

MR. LAUGHRIDGE: Recently, recruitment has been tough across the board just because the economy is good and --

SENATOR SCOTT: It pays -- it doesn't pay as much as the private sector.

MR. LAUGHRIDGE: Yeah. It might not pay as much as the private sector. In terms of -- and I believe I understood your question to be minority recruiting. Is that correct?

SENATOR SCOTT: Yes, minority recruiting.

MR. LAUGHRIDGE: In terms of minority recruiting, I can't give you a count of how many minorities we've had in and out over the years.

SENATOR SCOTT: What does it look like now for count? Because I know you've probably done well with them coming out of school --

MR. LAUGHRIDGE: I'm going to have to defer to Earle on that.

SENATOR SCOTT: -- the last two or three years.

MR. POWELL: We had -- we lost two minorities in the last year. And every time we do have a recruitment, Senator, we do recruit --

SENATOR SCOTT: How many accountants or CPAs do you have in there now, or auditors, because that's your biggest thing?

MR. LAUGHRIDGE: Our auditors are not required to be CPAs.

SENATOR SCOTT: How many do you have in there now?

MR. LAUGHRIDGE: We have 16 auditors.

SENATOR SCOTT: Any minority auditors?

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MR. POWELL: We have one Master of Accountancy. We do not have a CPA on staff at the current time.

SENATOR SCOTT: Any minorities as part of those auditors that you have now?

MR. POWELL: Our -- half of our audit staff are women and --

SENATOR SCOTT: What about women of color? Men of color?

MR. POWELL: We had two women of color who left us in the summer.

SENATOR SCOTT: So you have none right now.

MR. POWELL: We have none.

MR. LAUGHRIDGE: None at the moment.

SENATOR SCOTT: Okay. Let's try to work on that.

MR. POWELL: Yeah. We --

SENATOR SCOTT: We've got to do everything we can, now, to try to keep the talent in-house. We know that some of the best and brightest, before we start, are facing disparities in the schools. They're going other places, and once they leave, they don't come back. And so maybe now we can look a little closer. Are you all recruiting these kids straight out of college or letting them get a couple years' experience? What's that process now for auditors?

MR. LAUGHRIDGE: Most of the staff have advanced degrees so they're not coming directly out of an undergraduate program.

SENATOR SCOTT: They're coming out of these practices?

MR. LAUGHRIDGE: They're coming out of graduate school with something similar to a master's in public administration or that type of degree.

SENATOR SCOTT: Okay.

MR. LAUGHRIDGE: We do get some with prior experience. And right now I think we would try to be hiring more for the middle management or -- I say middle management -- more for the experienced hires so we can beef up our bench for future middle managers.

SENATOR SCOTT: When we look at the pay bands -- and this is not a backlash on the agency -- how far off are we in terms of being able to compete with the private sector to keep -- convince these folk and keep them in? Because you guys have got a tough job with some of these big audits that you actually have to do on some of these agencies. How far off are we in terms of dollars? Because at some point, we're going to have to look at pay bands to make sure that we stay competitive.

MR. LAUGHRIDGE: Yeah, but we can't really operate outside of, you know, the state's guidelines for that.

SENATOR SCOTT: I understand. But I'm saying, tell me about the disparity. Is it a \$5,000 disparity, \$10,000 disparity for those who would be in a similar job in the private sector?

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MR. LAUGHRIDGE: I would expect it to be greater than \$5,000 just because these people are coming out of school with an undergraduate degree that might look like an accounting degree or an economics degree or something similar to that. And then they're getting a master's, possibly in accounting, master's in public administration. A master's in accounting student going to work with one of the national firms such as Price Waterhouse Cooper or somewhere like that, they would probably come straight out of grad school earning between \$60- and \$70,000 their first year.

SENATOR SCOTT: What are our numbers? 55? 60?

MR. LAUGHRIDGE: Earle, what's --

CHAIRMAN SENATOR ALEXANDER: Well, I need you to -- I really

SENATOR SCOTT: Let me --

CHAIRMAN SENATOR ALEXANDER: I'm just talking about, I need him to respond rather than --

MR. POWELL: Okay.

CHAIRMAN SENATOR ALEXANDER: -- bringing in somebody that's not been sworn or not before us and stuff.

SENATOR SCOTT: I appreciate that.

CHAIRMAN SENATOR ALEXANDER: I've been giving great latitude, but I want him to answer your questions.

SENATOR SCOTT: Right. But this is for stability of that agency, especially if you're the chair.

MR. LAUGHRIDGE: Between \$60- and \$70,000 would be the top of those students coming out. Our starting salaries would be easily probably \$20,000 less than that.

SENATOR SCOTT: Okay.

MR. LAUGHRIDGE: A student coming out of grad school, taking a job with a local accounting firm, would probably still earn at least \$50,000, which would still be a good \$10,000 higher than maybe what we would be. So there's a substantial pay disparity for this level of talent.

CHAIRMAN SENATOR ALEXANDER: Okay. And that's why you can't keep your talent.

MR. LAUGHRIDGE: You know, we've done a pretty good job of keeping people once they're there. We have lost a few, as the director was saying a minute ago. It surprises me the tenure of some of our staff. Once they --

SENATOR SCOTT: Get in.

MR. LAUGHRIDGE: Once they get in, they will stay for a long time. It's just getting them there. When they're looking at competing offers with us and the private sector, the numbers are tough.

SENATOR SCOTT: Thank you, Mr. Chairman.

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CHAIRMAN SENATOR ALEXANDER: Yes, sir.

SENATOR SCOTT: And thank you.

CHAIRMAN SENATOR ALEXANDER: And just briefly following up from that before I have a couple other questions, are you aware that you all have some flexibility, being part of the Legislative Audit Council, that you have some flexibility in those pay bands? And have you all made a request to the General Assembly for additional funding for you all to be competitive, I guess, is what I'm asking?

SENATOR SCOTT: Yes. That's --

MR. LAUGHRIDGE: Yeah, we have. And -- well, Earle's done a good job of managing that. To the extent he can stay on the higher end of the pay bands, he does. We have 26 positions authorized in our budget, of which 20 are currently filled. So he can use some of that money to beef up the pay of the staff that we have. We just have to be aware that we have as many staff as we need, so you can't get too aggressive with that. But he is able to take some of our budget and increase the salaries for who we have.

CHAIRMAN SENATOR ALEXANDER: If the committee will indulge me, just a couple other -- two or three other questions here. The subpoena authority has come up in others that have come before us for screening. There's been a bill that's been prefiled. Do you have thoughts on the subpoena authority, limited authority or complete authority or no authority, by the Legislative Audit Council?

MR. LAUGHRIDGE: I do. I believe we have had your assistance, Senator Alexander, recently on the DEW audit. And, as a matter of fact, back some years ago, under Governor Sanford, we were auditing what was then the Employment Security Commission. And I think they may have originated the stonewalling among state agencies. And what we're encountering, as you saw with DEW, the state agencies will just refuse to give us information and force us to reach out to requesting members of the General Assembly to try to get information out of them. And even sometimes that is less than fruitful. So the Employment Security Commission did it did it years ago, and I think some other state agencies learned from that that they can simply stonewall us. DEW has continued to do it since then even though that audit went very poorly for them. We ran into it at -- golly. The list is long but...

CHAIRMAN SENATOR ALEXANDER: Well, just in generalities, what is your position on the --

MR. LAUGHRIDGE: I do think we need the subpoena authority. And I'm not knowledgeable enough to tell you the difference between complete or partial. I'm not sure of the terms that you used. Oversight

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has subpoena authority, and I believe whatever equivalent subpoena authority they have is what would be useful to us.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Senator from Richland.

SENATOR SCOTT: Thank you. If we grant the subpoena authority, we want to make sure it's not misused in state agencies because sometimes, if things don't go well as your first introduction to an agency, sometimes people tend to get a little upset --

MR. LAUGHRIDGE: Right.

SENATOR SCOTT: -- if the first thing you put on the table is that. So if we look at doing that, there needs to be a process in which the cases - - you get to make the case and the parties involved also get to respond to the case to make sure that we're not abusing that authority in order to get to the fact-finding part of it because in the end, you're still going to have an audit.

MR. LAUGHRIDGE: Yes.

SENATOR SCOTT: If someone found some things then it's going to be told either way. So I'm not -- you know, I want to grant you what you need as a tool, but I want to make sure we don't abuse that tool.

MR. LAUGHRIDGE: Yeah. I would envision that -- well, first of all, you're right. An audit never particularly -- it's never welcome. Nobody wants a phone call from Director Powell.

SENATOR SCOTT: No.

MR. LAUGHRIDGE: In our entry process, we try to explain to the agencies what we're there to do. We're there to answer your questions. We're there at your direction. So we try to ask them, A, don't shoot the messenger, but B, the audits can often be quite a -- they can be a constructive process. They don't have to be a process of coming in there to --

SENATOR SCOTT: So is that preconference you have a letter that you send or a preconference?

MR. LAUGHRIDGE: Well, we send a letter, of course, but then we have an entry conference where we lay out, Here's what we're here to do and here's what you can expect, and try to explain to the agencies, You know, we're not bad guys. This audit can produce helpful information. Unfortunately, oftentimes, there's -- you know, you've requested these audits for a reason, and there's things at the agency that are not going well, either from a policy or performance perspective, so there can often be bad answers that come out of it, so we get the resistance. As it comes to using a subpoena, you know, we would have to establish a procedure for that. I would not imagine the board not being involved in the issuance

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of a subpoena. I would be upset or disappointed if that procedure were such that staff could just issue one without consulting with the board, and not just consulting, actually having direct approval from the board. Nobody wants to fire off a subpoena.

SENATOR SCOTT: Thank you, sir.

CHAIRMAN SENATOR ALEXANDER: Two questions. Then we can conclude. Under the education bill that we sent yesterday, there is a section that requires -- that would require, if adopted -- the Legislative Audit Council perform a massive audit of the Department of Education and all of its programs by August 1, 2022. Have you all addressed that as to what that potential resource would look or do you all have the staff to do that currently if such a requirement was adopted?

MR. LAUGHRIDGE: Specifically, no, although we've had requests before or standing audit requirements of agencies before. And our approach to that is, How do you eat an elephant? One bite at a time. We would try to define the bites and establish a timeline and a procedure through that. We've done that before. The Department of Education is big. So, as to the staffing requirement, I would have to consult with Director Powell, and I just don't know the answer to that question. But that is a large request. It wouldn't surprise me that if that provision stays in, you might get a phone call from Director Powell about a budget increase.

CHAIRMAN SENATOR ALEXANDER: And one other thing in the staff and doing the requirement of the review of things. There was a couple of items that came up in the report dealing with a tax issue. Are you aware that -- has it been satisfied? Are you aware?

MR. LAUGHRIDGE: I'm sorry. I'm not squaring the question.

CHAIRMAN SENATOR ALEXANDER: Income tax --

MR. LAUGHRIDGE: My income tax?

CHAIRMAN SENATOR ALEXANDER: -- issue. Yes, sir.

MR. LAUGHRIDGE: I had an issue several years ago.

CHAIRMAN SENATOR ALEXANDER: Has it been satisfied?

MR. LAUGHRIDGE: Oh, yeah. Yeah. It has been. Yes.

CHAIRMAN SENATOR ALEXANDER: Okay. I just thought, as a CPA, having that type of issue was kind of --

MR. LAUGHRIDGE: Well, I may have gotten a little more aggressive with the taxing agencies than I should have, but that's been satisfied.

CHAIRMAN SENATOR ALEXANDER: What does that mean?

MR. LAUGHRIDGE: I was in a dispute with them as to the amount of the tax, and I pushed that a little beyond their willingness to wait on it to be resolved.

CHAIRMAN SENATOR ALEXANDER: So --

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MR. LAUGHRIDGE: I was fully aware of what was going on.

CHAIRMAN SENATOR ALEXANDER: Okay. So it was resolved.

MR. LAUGHRIDGE: Oh, yes.

CHAIRMAN SENATOR ALEXANDER: Maybe not satisfactorily, but it was resolved.

MR. LAUGHRIDGE: Well, it was resolved by me writing a check. But I came out on the wrong end of that argument.

CHAIRMAN SENATOR ALEXANDER: I understand.

MR. LAUGHRIDGE: But I understood the argument.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR ALEXANDER: Yes, sir, Senator.

SENATOR SCOTT: I want to take you back on the Department of Education.

MR. LAUGHRIDGE: Yes, sir.

SENATOR SCOTT: Does it make more sense for your agency maybe to have outside firms assist with its programs, and then you just issue one from the agency side and one from the private sector side? And whether or not the two years is enough time to get all of it done and to get us a report back...

MR. LAUGHRIDGE: Well, two years would be enough time to do it, but the problem will be the opportunity cost for the legislature. In other words, if we get consumed on that for two years, your ability to request additional audits of us is diminished. As to the use of outside agencies, we have Yellow Book standards that may or may not provide for that. The audit standards for government agencies might limit us in our ability to bring in contractors to do that work.

SENATOR SCOTT: So, in essence, you hire some temporary people for two years inside just so you meet the letter of the law.

MR. LAUGHRIDGE: We could potentially staff up on a short-term basis as long as we -- I'd get concerned over some quality control issues, but if we manage that appropriately, we could have some temporary staffing.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR ALEXANDER: What is the pleasure of the -
- are there any other questions? If not, what is the pleasure of the committee?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR ALEXANDER: I have a motion for a favorable. Do I hear a second?

SENATOR VERDIN: Second.

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CHAIRMAN SENATOR ALEXANDER: We have a second. I'll take that immediately to a vote. All in favor of being found qualified, please say aye.

REPRESENTATIVE DILLARD: Aye.

SENATOR SCOTT: Aye.

SENATOR VERDIN: Aye.

CHAIRMAN SENATOR ALEXANDER: Any opposition? It's unanimous. We appreciate you being here with us today and being responsive.

MR. LAUGHRIDGE: Well, thank you for rescheduling. I was out of town previously, so I appreciate your accommodation.

CHAIRMAN SENATOR ALEXANDER: With no other business to come before this screening committee, we'll stand adjourned.

The meeting was adjourned at 9:58 a.m.

**College and University Trustee
Screening Commission
Report to the General Assembly
January 23, 2020**

Coastal Carolina University

At-Large - Seat 8 expires 2021 (one seat)

CANDIDATES FOUND QUALIFIED AND NOMINATED

Jason M. Repak -- Myrtle Beach

Wil Lou Gray Opportunity School

At-Large - expires 2021 (one seat)

CANDIDATES FOUND QUALIFIED AND NOMINATED

Greg Vaughn -- Pendleton

Old Exchange Commission

At-Large - expires 2024 (two seats)

CANDIDATES FOUND QUALIFIED AND NOMINATED

Catherine M. Patterson -- Lexington

J. Tracy Power -- Columbia

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**State of South Carolina
College and University Trustee
Screening Commission**

Date: Tuesday, December 3, 2019
Time: 1:00 p.m.
Location: 209 Gressette Building
1101 Pendleton Street
Columbia, South Carolina 29201

Reported by: Caroll Anne Boutahar, Certified Verbatim Reporter
COMPUSCRIPTS, INC.

Committee Members Present:
Chairman Senator Harvey S. Peeler, Jr.
Representative Gary E. Clary
Representative Sylleste H. Davis
Representative William R. Whitmire
Senator Thomas C. Alexander
Senator John L. Scott
Senator Daniel B. Verdin, III

Also Present:
Martha Casto, Staff
Julie Price, Staff

1:04 p.m.

CHAIRMAN SENATOR PEELER: I'd like to call the meeting to order. This is a meeting of the College and University Trustee Screening Commission. I pray that God continues to bless us all. You're very welcome. You have a copy of the agenda in front of you. First of all, Coastal Carolina University, At Large, Seat 8, expires 2021, Jason M. Repak from Myrtle Beach. Mr. Repak, if you'll come forward. Take a seat, be comfortable, and make sure your green light is burning green.

MR. REPAK: Yes, sir.

CHAIRMAN SENATOR PEELER: If you would, for the record, state your full name.

MR. REPAK: Jason Michael Repak

CHAIRMAN SENATOR PEELER: Mr. Repak, let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

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MR. REPAK: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement on why you'd like to serve on the Coastal Carolina board of trustees?

MR. REPAK: Yes, sir, I would. So Coastal Carolina has played a big part in my life. I grew up in Horry County, and when I was a high school student there, I knew that Coastal Carolina was where I was going to go to school. So as I was getting ready to apply to colleges and universities, I only applied to one, and that was Coastal. And so Coastal has played a major part in shaping my life. I was in the school in the College of Business in a program there called the Wall Fellows, which is a pretty intense, focused program. And I like to say that that program changed the entire trajectory of my life. It put me on a completely different path than I was on. Since then, instead of going into just an employee position in our small family business, I've instead gone on to get a master's degree and work in the corporate world for seven or eight years for Rolls-Royce and then came back and instead of working for, I took over ownership of the family businesses. So as it played so vital a part in my future, I want to play a part in its.

CHAIRMAN SENATOR PEELER: Sounds good. Do the members of the committee have any questions or comments?

REPRESENTATIVE WHITMIRE: I've got one.

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman. And welcome, Mr. Repak.

MR. REPAK: Yes, sir.

REPRESENTATIVE WHITMIRE: I looked under where you said CCU's biggest weakness is the ability to attract and retain in-state students. That would seem to me that you wouldn't have any problem getting South Carolinians to want to attend where you're located. What do you attribute that to?

MR. REPAK: Well, so Coastal Carolina has only been an independent school for about 25 years now, which -- "only" is kind of a stretch when you've hit 25 years, but it's still a relatively new standalone university in the state, and because of that, Coastal Carolina doesn't have that legacy of being the home school for a lot of students in Horry County. One of the issues, as well, is, of course, the percentages are a little skewed because Coastal Carolina's tuition was so attractive for a long time that it was very easy to attract out-of-state students because the out-of-state tuition for Coastal Carolina was cheaper than the in-state tuition for a lot of schools in the Northeast. So very easy to attract students from the Northeast to come down to study at the beach. And so that, of course,

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pulls a lot of out-of-state students in. But as far as in-state students, those numbers have been improving under the leadership of the current board, and so we hope to continue to see those numbers go up. In my opinion, the in-state tuition -- the reason that's a huge weakness is that Coastal Carolina is one of the, if not the, largest employer in Horry County, and it has a huge economic impact in our area, but if we're only getting out-of-state students to come, then half of the brain trust that we're bringing on through that university is moving back out of state, and we need to keep that educated workforce in our area for economic development purposes in the future.

REPRESENTATIVE WHITMIRE: What do you consider a good ratio, in-state to out-of-state?

MR. REPAK: I would like to see that ratio closer to 70/30 just as a general principle. The out-of-state students do help because their higher tuition rates helps subsidize the in-state tuition rates. It helps us the higher percentages help us keep in-state tuition rates low, which can be seen in the fact that Coastal's tuition rates are I believe it's almost ten percent lower than the in-state average for South Carolina. So we don't want to completely eliminate out-of-state students, but it would be nicer to see about a 70/30 split.

REPRESENTATIVE WHITMIRE: It seems this has been a discussion we've had over the years about our state colleges and universities attracting enough in-state students because you're right if you're coming from out of state, the odds on you going back to where you came from or some other place instead of staying in South Carolina is probably much greater. And so that's been kind of a recurring theme over the years. And I know I live up near Clemson, and it sure seems to me like they have a lot of out-of-state students and out-of-country students too. So, anyway, thank you. Thank you for your willingness to serve.

MR. REPAK: Yes, sir. Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. And good afternoon. Thank you for your willingness to serve. A couple of things here. Following up on that note, of the in-state students, are you aware, does Coastal Carolina virtually accept any student that applies and meets their criteria that's in state?

MR. REPAK: So Coastal Carolina, they have the objective the board has kind of set out an objective that any qualified student that applies in South Carolina is to be granted admission. Right. And so we want to be able to admit students from in state. I would love to tell you that our application pool is higher, that the selection rates are lower, because

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there's a lot of incentives or rankings that go along with that, but the reality is, in-state students, if they are qualified to be admitted to Coastal, they are issued admittance.

SENATOR ALEXANDER: Okay. And just briefly, if you would, I see here it says, Way to attract students. Currently at 10,600. We want to grow two-and-a-half to three percent to reach 12,500 by 2023. Why is that if you are needing to increase your number of in-state students, why do you want to continue to grow from 10,600 to 12,500?

MR. REPAK: So that's just part of the stated strategic plan for the university that's been in place for the last five years. They're actually going to be coming up on a new strategic planning cycle very soon. But the reason they're forecasting anticipating that growth as part of a strategic objective is because the population of Horry County in total is going to be increasing that much over the next five years. The imagined 2040 plan that's just been forward and I believe will be approved next actually, later this month -- excuse me -- in December has a forecasted growth of Horry County hitting 600,000 people in 2040. And so that's almost doubling the population of the area. So part of the strategic objectives is recognizing that natural growth of our area will lead to the growth of the university as well, and that will lead to that growth, to 12,500.

SENATOR ALEXANDER: Thank you.

MR. REPAK: Yes, sir.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott has a question.

SENATOR SCOTT: Thank you, Mr. Chairman and members of the committee. And I think you're right on top of the growth population of the area. How many of your students actually come out of your region, from that area? Because that's -- in looking at some of the other schools -- Francis Marion is an example -- they're moving more to a regional concept. And I think Landrum in Greenwood's doing the same thing with actually creating more students within that region, using that as the potential growth that's going to take place.

MR. REPAK: Yes, sir. I don't have that direct information as far as students in the region. I can tell you from the in-state students that do come to Coastal Carolina -- I do have a lot of involvement on campus today, and I can tell you that the in-state students, a very large portion of them are local to that region. But, of course, I don't have that --

SENATOR SCOTT: Yeah. You --

MR. REPAK: I'd be happy to ask and get back to you, though.

SENATOR SCOTT: You may have given your percentages before I walked in. What are your percentage of in-state versus out-of-state? Is

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it 65/45?

MR. REPAK: It's 50/50.

SENATOR SCOTT: 50/50.

MR. REPAK: I think it's actually 49/51 in-state/out-of-state.

SENATOR SCOTT: What about your diversity numbers?

MR. REPAK: Diversity numbers are very good. So Coastal ranks -- College Factual is a college selection service that pulls a lot of data together, and they pull data on over 2,000 -- I think it's 2400 institutions across the country. They have Coastal Carolina ranked in the top ten percent for diversity metrics in all of their measured institutions.

SENATOR SCOTT: Is that students? Students/staff?

MR. REPAK: That's across the board. And it goes from diversity in ethnicity, age, nationality, gender, and it also goes, I believe, to students and faculty.

SENATOR SCOTT: I know you all were having a lot of conversations in the last three or four years about growth and development, buildings, your capital needs, and things of that nature.

MR. REPAK: Yes, sir.

SENATOR SCOTT: When you're looking to grow 2,000 or 1900 more students, tell me what you're doing to meet the capital needs, or is it because more and more, that cost students is being added for the students to go to school? Have you all figured out another way to pay for this capital? I know you all have been before the higher ed subcommittee asking for money for capital. And so if you're going to grow that much, tell me what the plans are of the capital needs so you can not only fix the old buildings but also provide the dormitory space you're going to need.

MR. REPAK: Yes, sir. That's actually a fantastic question. So Horry County is taking a position to support Coastal Carolina, especially because it's such a large employer and economic driver in the area. So the voters of Horry County voted for a one-percent sales tax that directly benefits education in our area. And I believe the university and the technical college in our area get about half of it. And I would have to look in and get back to you with that number.

SENATOR SCOTT: So it would give you the flexibility --

MR. REPAK: Yes, sir. So -- well, flexibility in the sense that it's used specifically for the growth and development of the campus. So it can only be used on academic buildings. It can't be used for athletic expenditures or --

SENATOR SCOTT: So it meets the capital requirements.

MR. REPAK: -- events or things like that. But -- yes. So the capital expenditures, a large portion get funded by a county sales tax initiative that was voted on by the voters there.

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SENATOR SCOTT: Well, let me say this to you. I really appreciate you knowing and understanding, having the knowledge of what's going on the campus. Thank you for answering my questions.

MR. REPAK: Yes, sir. Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Chairman.

In following up on Representative Whitmire's question when he pointed out as Coastal's biggest weakness the ability to attract and retain in-state students, I understand the part about attracting in-state students. What's the issue with retaining those students? Is it an academic issue? Are they transferring elsewhere? Tell me about that.

MR. REPAK: So, also a great question. The numbers have done great as far as improving retention at Coastal over the last five or ten years, certainly since I've been a student there. But I believe now the retention rate sits around 68 percent, and I think national average or in-state average is closer to 73 or 74 percent. So, obviously, we'd like to see the retention rates at Coastal stay up. I don't think that we're seeing as many transfers out as we used to, and I think that's what is improving that number. As there's been more activity around campus to develop activities for students to do outside of the classroom and create a more cohesive environment for students to have activities and an environment that they want to be in, we're seen less and less students transfer out. As far as those that are not returning academically, what you're seeing is a lot of those out-of-state students, they get homesick and don't make it on to their sophomore year. So there is some improvement work still to be done there, but I'm happy to say that those numbers have come up quite a bit in the last ten or 15 years.

REPRESENTATIVE CLARY: And in looking at the current 10,600 students, how many of them are residents on campus? What kind of on-campus housing ratio do you have?

MR. REPAK: So it's a little tough for me to know that. I'm not privy to that data offhand. But what I can tell you is there's been a number of dormitories added on to Coastal, and then there are also private dormitories or, you know, apartment complexes that have all been built right across the street from campus.

REPRESENTATIVE CLARY: You don't have to tell me anything about apartment complexes. I come from a place where we have plenty of them.

MR. REPAK: Yeah. So they're building up a ton of housing for those students.

REPRESENTATIVE CLARY: Thank you very much.

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REPRESENTATIVE DAVIS: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman. Thank you for being with us today, and thank you for your willingness to serve. I was wondering, based on your experience with Rolls-Royce?

MR. REPAK: Yes, ma'am.

REPRESENTATIVE DAVIS: I believe -- I'm assuming that that's financial experience.

MR. REPAK: More or less. I was a finance manager and a finance analyst in a capital expenditure project and in an operational environment as well.

REPRESENTATIVE DAVIS: Okay. I'm wondering, going into the future, say in the next ten to 20 years, what do you think is the biggest challenge for Coastal? And is it a financial challenge or is it something else? And how would you plan to address that challenge?

MR. REPAK: So I think the biggest challenge for Coastal is not only producing high-quality students that are going off to be employed but it's also the environment that they're in and finding employment for those students. And I think the reason that's a really big challenge for Coastal in the next 15 to 20 years is because the county -- and we talked earlier about the economic development as associated with growing the student body and in-state enrollment -- we want to see economic development in the area. But we're limited in the economic development that we can get in the area. Unfortunately, we've just hit some major roadblocks there with I-73, and I think that could have been a major economic driver in our area that could have led employers to locate in the area and, therefore, our students would have employment opportunities in that area so we can attract more in-state students. So I think economic development in our area where those students can find a place to work and live where they went to school is going to be a major challenge in the next 15 to 20 years if they can't find a way to get I-73 back on track.

REPRESENTATIVE DAVIS: All right. Thank you.

MR. REPAK: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

REPRESENTATIVE WHITMIRE: Favorable.

SENATOR SCOTT: Second.

CHAIRMAN SENATOR PEELER: Motion is favorable and seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, sir. It's obvious you've done your homework and you're well prepared. I look forward to you serving on the board of trustees at Coastal.

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MR. REPAK: Yes, sir. Thank you very much. You all have a great day.

CHAIRMAN SENATOR PEELER: Next we'll go to Wil Lou Gray Opportunity School, one at-large seat, expires 2021. Mr. Greg Vaughn from Pendleton. Good afternoon, sir.

MR. VAUGHN: Hello. How are you doing?

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. VAUGHN: Gregory Martin Vaughn.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. VAUGHN: Yes, sir, I do.

CHAIRMAN SENATOR PEELER: Mr. Vaughn, would you like to make a brief statement?

MR. VAUGHN: Briefly, yes. The education and development of our youth is very important to me. I feel that, regardless of the circumstances, everyone should have the opportunity to grow to their fullest potential and experience success. And Wil Lou Gray offers that opportunity to students in the state, which I think now is more important than ever with the challenges that students face, in that the normal situation of education does not fit everybody. So saying that, I appreciate your time and consideration for an opportunity to serve as a member of the board of trustees at Wil Lou Gray Opportunity School, and I thank you.

CHAIRMAN SENATOR PEELER: Thank you. Questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Yes, sir. Thank you.

Would you expand upon -- when you answered your question, ways to improve the school -- mental health department. Do you want to talk a little bit about what you may have observed and what you think -- it says, Expand the mental health department? This issue is more prevalent than ever before.

MR. VAUGHN: In speaking with Director Smith while I was down there last time, we talked to one of the people that's in charge of that. And it seems not only at the school but just in general, kids have more emotional problems now than they have before, whether driven by home or the situations at school. And just having more help directed specifically towards them in that situation should help them be able to handle the whole experience of school and life better. In normal schools, I know they have counselors and things like that, but a lot of them are

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more concerned with their educational advancement as opposed to their emotional stability. And I just feel like a lot of the students here probably have some emotional problems that have caused them to be in the situation they're in at that point. So expanding that in this situation I think would really help all the students.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR ALEXANDER: Move favorable.

CHAIRMAN SENATOR PEELER: Motion is a favorable report. Is there a second?

REPRESENTATIVE WHITMIRE: Second.

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, sir. We appreciate your willingness to serve.

MR. VAUGHN: Thank you.

CHAIRMAN SENATOR PEELER: Now we move to the Old Exchange Building Commission. We have two at-large seats. Expires 2024. First, Catherine M. Patterson from Lexington.

MS. CASTO: Mr. Chairman, these two just came before this committee in January of this year to fill unexpired terms, so they are going for a full four-year term this time around. So there was no significant change in their paperwork, but now they have a year of experience under their belt.

CHAIRMAN SENATOR PEELER: And you still want to do it. That's great.

MS. PATTERSON: I still want to do it.

CHAIRMAN SENATOR PEELER: Okay. For the record, if you would, give us your full name.

MS. PATTERSON: I'm Catherine Moody Patterson.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. PATTERSON: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. PATTERSON: Yes. I am looking forward to a full term. I've enjoyed this past year being on the commission. It was a switch for me because previously, all my years working for the City of Charleston, I was on the management side, managing that building and the employees. And it's quite an honor to be associated with it, with the building and the people who work there and what it means to us and what it means to the State of South Carolina. So I'd be much honored to be able to fulfill a full term and continue working toward the good of that building.

CHAIRMAN SENATOR PEELER: Thank you very much. Questions?

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Comments?

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman. I've always wanted to ask this of the people going for the commission. Tell me a little bit about the Exchange Building and the commission. What's your purpose and what's the purpose of the building?

MS. PATTERSON: Well, the building was built in 1771. And it was the Exchange. It was the hub of shipping and commerce in Charleston and in that area.

REPRESENTATIVE WHITMIRE: Is that the building at the end of Broad Street?

MS. PATTERSON: At the very end of Broad. And, of course, back then the water came up to the back. I mean, now it doesn't. It's all been landfilled. But -- so it was a very integral part of the Revolutionary War. The British had it and they threw American people in the dungeon, in the Provost Dungeon. And so it's always been a major historical unit in Charleston and for our freedom, our democracy. And the Declaration of Independence was read from the front porch back in -- I think it was 1788 when they finally read it. So it's a major part of not only Charleston but for our state. And I have worked for the City of Charleston. The City of Charleston manages the building for the state and for the DAR, the Daughters of the American Revolution.

REPRESENTATIVE WHITMIRE: Who owns the building?

MS. PATTERSON: The State of South Carolina and the Daughters of the American Revolution.

REPRESENTATIVE WHITMIRE: Okay.

MS. PATTERSON: And the Daughters are the trustees. And 1989, the building had gone down in deep disrepair. And Mayor Riley stepped in and wanted -- and offered the City to manage it, to get it back to what it should be. And that's when -- I wasn't with the City then but it came under my department in 2003. And the commission was set by the State. The State has a 100-year lease on the building. We were in the second 25 years of that 100-year lease. And the Daughters are trustees, and we work with the Daughters and with the State to manage it. And it operates in the black, and we service many thousands of visitors, tourists, locals every year with just historic tours, events, that sort of thing. So it's a major icon.

REPRESENTATIVE WHITMIRE: I think I had a relative in that jail at one time.

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MS. PATTERSON: You might. I think we might all have.

REPRESENTATIVE WHITMIRE: I mean, back in the 1700's. Thank you.

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion is a favorable report. Second?

REPRESENTATIVE DAVIS: Second.

CHAIRMAN SENATOR PEELER: Any discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, ma'am.

MS. PATTERSON: Thank you.

CHAIRMAN SENATOR PEELER: We appreciate your willingness to serve. Next, J. Tracy Power from Columbia. Mr. Power, for the record, give us your full name.

DR. POWER: James Tracy Power.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. POWER: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

DR. POWER: Yes. I have been honored and delighted to serve on the commission this past year. I am especially delighted that I can give back to the State of South Carolina that gave so much to me. This is my adopted state. And for 28 years, I was a historian in the State Historic Preservation Office at the Department of Archives and History in Columbia. Since 2014, I have been a professor of history and archivist at Newberry College. But the chance to do something for the State of South Carolina on the state level was something very attractive. And I have learned a great deal this year. I have enjoyed my work on the commission and would love the chance to continue.

CHAIRMAN SENATOR PEELER: Thank you. Questions or comments? Hearing none, what's the desire?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Favorable report. Second?

REPRESENTATIVE DAVIS: Second.

CHAIRMAN SENATOR PEELER: Any further discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, sir.

DR. POWER: Thank you.

SENATOR SCOTT: Dr. Power, they tell me if you have a lot of money, you don't need credit.

THURSDAY, JANUARY 23, 2020

SENATOR ALEXANDER: That's not the case, speaking from experience.

CHAIRMAN SENATOR PEELER: It takes one to know one. If there's no other business, we'll stand adjourned. Thank you. (The meeting was adjourned at 1:30 p.m.)

Motion Adopted

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

ADJOURNMENT

At 2:19 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, January 24, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator CROMER.

ADJOURNMENT

At 11:04 A.M., on motion of Senator McLEOD, the Senate adjourned to meet next Tuesday, January 28, 2020, at 2:00 P.M.

* * *

Tuesday, January 28, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalms 98:1a

“Sing to the Lord a new song, for he has done marvelous things.”

Let us pray. The psalmist reminds us that You, O Lord, have done marvelous things; for that we are eternally thankful. It is, however, so easy to slip into a routine of focusing on the problems of the present and the challenges of the future. But today we pause in a moment of thanksgiving for the co-workers beside us, the staff that supports us, the security people that protect us and the amazing myriad of devoted and efficient personnel that make this magnificent complex hum like a beehive. It is indeed a privilege to work here and be a part of a team that serves the people of our beloved State so well and honors You, O Lord, on a daily basis. Thank You for making this possible. In Your holy name we pray, Amen.

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

Point of Quorum

At 2:04 P.M., Senator SCOTT made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Motion to Ratify Adopted

At 2:06 P.M., Senator ALEXANDER made a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

The motion was adopted and a message was sent to the House accordingly.

Doctor of the Day

Senator McLEOD introduced Dr. Helmut Albrecht of Columbia, S.C., Doctor of the Day.

TUESDAY, JANUARY 28, 2020

Leave of Absence

At 4:10 P.M., Senator YOUNG requested a leave of absence beginning at 4:20 P.M. for the balance of the day.

CO-SPONSORS ADDED

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

S. 125	Sen. Shealy
S. 660	Sen. Young
S. 868	Sen. Campbell
S. 1023	Sen. Senn
S. 1025	Sen. Senn
S. 1032	Sen. Senn
S. 1048	Sens. Rankin and Campbell

CO-SPONSOR REMOVED

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

S. 1046	Sen. Talley
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RECALLED AND ADOPTED

S. 1011 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE THE GOALS OF CATHOLIC SCHOOLS WEEK AND TO HONOR THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN SOUTH CAROLINA.

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.

TUESDAY, JANUARY 28, 2020

RECALLED AND ADOPTED

S. 1012 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA SYSTEM FOR ITS MANY AND SIGNIFICANT CONTRIBUTIONS TO THE EDUCATION AND CULTURE OF OUR CITIZENS AND TO DECLARE JANUARY 29, 2020, AS "CAROLINA DAY" AT THE STATE HOUSE.

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.

RECALLED AND ADOPTED

S. 1030 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE THE WEEK OF JANUARY 26 THROUGH FEBRUARY 1, 2020, AS "NATIONAL SCHOOL CHOICE WEEK" IN SOUTH CAROLINA AND TO CONGRATULATE STUDENTS, PARENTS, TEACHERS, AND SCHOOL LEADERS FROM K-12 EDUCATIONAL ENVIRONMENTS OF ALL VARIETIES FOR THEIR PERSISTENCE, ACHIEVEMENTS, DEDICATION, AND CONTRIBUTIONS TO THEIR COMMUNITIES IN SOUTH CAROLINA.

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.

TUESDAY, JANUARY 28, 2020

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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1048 -- Senators Rice, Rankin and Campbell: A BILL TO AMEND SECTION 13-1-1030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERS SERVING ON THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT A RESIDENT COMMISSION MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS; AND TO AMEND SECTION 13-1-1050, RELATING TO THE TERMS OF THE AERONAUTICS COMMISSION, SO AS TO MAKE CONFORMING CHANGES.

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

S. 1049 -- Senator Talley: A SENATE RESOLUTION TO CONGRATULATE CAROLINA FOOTHILLS FEDERAL CREDIT UNION UPON THE OCCASION OF ITS SIXTIETH ANNIVERSARY AND TO COMMEND THE BUSINESS FOR ITS MANY YEARS OF SERVICE TO SPARTANBURG, GREENVILLE, AND CHEROKEE COUNTIES.

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The Senate Resolution was adopted.

S. 1050 -- Senator McElveen: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 12, 2020, AS "WORLD CHOLANGIOCARCINOMA DAY" IN SOUTH CAROLINA.

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

S. 1051 -- Senator Campbell: A SENATE RESOLUTION TO RECOGNIZE NOVEMBER 19, 2020, AS "TRANSPORTATION SECURITY ADMINISTRATION APPRECIATION DAY" IN SOUTH CAROLINA.

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TUESDAY, JANUARY 28, 2020

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

S. 1052 -- Senator Davis: A BILL TO AMEND CHAPTER 45, TITLE 12 OF THE 1976 CODE, RELATING TO COUNTY TREASURERS AND THE COLLECTION OF TAXES, BY ADDING SECTION 12-45-440, TO PROVIDE THAT A COUNTY MAY ADOPT ALTERNATE DATES FOR THE APPLICATION OF PENALTIES ON DELINQUENT TAXES, THE ISSUANCE OF THE COUNTY TREASURER'S EXECUTION TO THE OFFICER AUTHORIZED TO COLLECT DELINQUENT TAXES, ASSESSMENTS, PENALTIES, AND COSTS, AND THE MAILING OF THE NOTICE OF DELINQUENT TAXES.

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

S. 1053 -- Senators Williams, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Young: A CONCURRENT RESOLUTION TO COMMEND DR. KRISHNAN FOR HIS FORTY-FIVE YEARS OF DEDICATED SERVICE TO THE CITY OF MULLINS, MARION COUNTY, AND THE STATE OF SOUTH CAROLINA.

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

S. 1054 -- Senator Allen: A SENATE RESOLUTION TO HONOR DEACON HARRY ANDERSON NASH OF MAULDIN, TO RECOGNIZE HIM FOR BEING THE OLDEST DEACON CURRENTLY SERVING AT FLAT ROCK BAPTIST CHURCH, AND TO COMMEND HIM FOR HIS DEDICATED AND FAITHFUL SERVICE.

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The Senate Resolution was adopted.

TUESDAY, JANUARY 28, 2020

H. 5025 -- Reps. Gagnon, West, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, 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, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO APPLAUD THE SPARTANS OF TOAST ROBOTICS TEAM FOR WINNING THE SOUTH CAROLINA FIRST(r) LEGO(r) LEAGUE STATE CHAMPIONSHIP FOR THE 2019-2020 FIRST(r) ROBOTICS SEASON AND TO CONGRATULATE THE TEAM ON ADVANCING TO THE FIRST(r) WORLD CHAMPIONSHIP IN HOUSTON, TEXAS.

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

H. 5031 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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,

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Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE CAMDEN-KERSHAW COUNTY BRANCH, NAACP, ON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND TO COMMEND THE BRANCH ON ITS MANY YEARS OF SERVICE TO THE PEOPLE OF CAMDEN AND KERSHAW COUNTY.

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

H. 5039 -- Rep. V. S. Moss: A CONCURRENT RESOLUTION TO CONGRATULATE ZACHARY CONKLIN OF CHEROKEE COUNTY FOR HIS REMARKABLE ACCOMPLISHMENTS IN THE BOY SCOUTS OF AMERICA AND TO SALUTE HIM UPON ACHIEVING THE CELEBRATED RANK OF EAGLE SCOUT, THE HIGHEST AWARD IN SCOUTING.

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

INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Tuesday, February 4, 2020 - 5:00pm-7:00pm

Members and Staff, Reception, The Palmetto Club, 1231 Sumter Street, by the **South Carolina Funeral Directors Association**

Tuesday, February 4, 2020 - 5:30pm- 9:00pm

Members and Staff, Reception, Columbia Museum of Art, 1515 Main Street, by the **South Carolina Telecommunications and Broadband Association**

Tuesday, February 4, 2020 - 5:30pm-7:00pm

Members Only, Reception, Columbia Marriott, 1200 Hampton Street, by the **Municipal Association of South Carolina**

Wednesday, February 5, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina Conservation Coalition**

TUESDAY, JANUARY 28, 2020

Wednesday, February 5, 2020 - 11:30pm-1:30pm

Members Only, Luncheon, 112 Blatt, by the **South Carolina Consortium for Gifted Education**

Wednesday, February 5, 2020 - 5:30pm-7:30pm

Members Only, Reception, The Palmetto Club, 1231 Sumter Street, by the **South Carolina Association of Technical College Commissioners**

Thursday, February 6, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina American Water Works Association - Water Utility Council**

Tuesday, February 11, 2020 - 5:00pm-7:00pm

Members and Staff, Reception, Columbia Convention Center, by the **South Carolina Associations of Realtors**

Tuesday, February 11, 2020 - 6:00pm-8:00pm

Members and Staff, Reception, Hilton Columbia Center, Senate Street, by the **College of Charleston**

Tuesday, February 11, 2020 - 4:00pm-6:00pm

Members and Staff, Reception, Seawells Banquet and Reception Center, by the **Call Me Mister Program**

Wednesday, February 12, 2020 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by **Delta Sigma Theta Sorority**

Wednesday, February 12, 2020 - 11:30am-2:00pm

Members Only, Luncheon, 112 Blatt, by **ABLE South Carolina**

Wednesday, February 12, 2020 - 12:00pm-2:00pm

Member Only, Luncheon, The Palmetto Club, by the **South Carolina Optometric Physicians Association**

Thursday, February 13, 2020 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **South Carolina Arts Alliance**

Tuesday, February 18, 2020 - 6:00pm-8:00pm

Members and Staff, Reception, The Hall at Senate's End, 320 Senate Street, by **Clemson University and Clemson University Foundation**

TUESDAY, JANUARY 28, 2020

Wednesday, February 19, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **National Federation of the Blind of SC, Inc.**

Wednesday, February 19, 2020 - 11:30am-2:00pm

Members Only, Luncheon, 112 Blatt, by the **Independent Banks of South Carolina**

Wednesday, February 19, 2020 - 5:00pm-7:00pm

Members and Staff, Reception, The Palmetto Club, by the **South Carolina Associations of Counties**

Thursday, February 20, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina Convenience and Petroleum Marketers Association**

Tuesday, February 25, 2020 - 5:30pm-7:00pm

Members Only, Reception, The Palmetto Club, by **Silent Tears**

Tuesday, February 25, 2020 - 6:00pm-8:00pm

Members and Staff, Reception, Main Course, 1626 Main Street, by the **City of Columbia**

Wednesday, February 26, 2020 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **South Carolina Governor's School for Science and Mathematics Foundation**

Wednesday, February 26, 2020- 11:30am-2:00pm

Members and Staff, Luncheon, 112 Blatt, by **United Way Association of South Carolina**

Wednesday, February 26, 2020 - 6:00pm-8:00pm

Members and Staff, Reception, Columbia Museum of Art, by the **Florence County Economic Development Partnership and Florence County Progress**

Thursday, February 27, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **School Nutrition Association of South Carolina**

TUESDAY, JANUARY 28, 2020

Thursday, February 27, 2020 - 8:00am-10:00am

**Members Only, Breakfast, Halls Chophouse, by the SC Speech
Language and Hearing Association**

Message from the House

Columbia, S.C., January 28, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. West, Caskey and Ott to the Committee of Conference on the part of the House on:

S. 455 -- Senators Alexander, Climer and Davis: A BILL TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., January 28, 2020

Mr. President and Senators:

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

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE

TUESDAY, JANUARY 28, 2020

THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

asks for a Committee of Conference, and has appointed Reps. Ridgeway, Spires and Parks to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

S. 16--CONFERENCE COMMITTEE APPOINTED

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

HOUSE CONCURRENCE

S. 1040 -- Senator Gambrell: A CONCURRENT RESOLUTION TO HONOR THEODORE A. "TED" MATTISON FOR HIS LIFETIME OF EXTRAORDINARY ACCOMPLISHMENTS AND CONTRIBUTIONS TO ANDERSON COUNTY.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

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

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

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Amendment No. 9

Senator CAMPSSEN proposed the following amendment (419R026.SP.GEC), which was carried over:

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Teacher Bill of Rights

Section 59-25-910. (A) All certified public school teachers in South Carolina have a right to:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, made in accordance with written school and district policies provided to faculty, be fully respected by school and district officials;

(2) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(3) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(4) an unencumbered daily planning time, equal to no less of one quarter of their assigned instructional time, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(5) be free of excessive and burdensome paperwork related to disciplinary actions, state or district evaluation procedures, and other administrative inquiries that prevent fulfillment of the teacher’s primary directive to implement effective instruction for their students;

(6) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

(7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations; and

TUESDAY, JANUARY 28, 2020

(8) file a declaratory judgment action if schools or school districts establish policies or implement standard expectations of behavior that prevent teachers from exercising the rights stated herein.

(B) No monetary damages may be awarded for violations of subsection (A). The court may award attorneys' fees at its discretion." /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Expression of Personal Interest

With unanimous consent and with Senator HEMBREE retaining the floor on S. 419, Senator M.B. MATTHEWS rose to an Expression of Personal Interest.

Senator HEMBREE resumed speaking on the amendment.

Senator DAVIS spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

PRESIDENT PRESIDES

At 4:08 P.M., the PRESIDENT assumed the Chair.

Objection

Senator DAVIS asked unanimous consent to proceed to Amendment No. 18.

Senator MASSEY objected.

Senator DAVIS continued speaking on the amendment.

Senator MALLOY spoke on the amendment.

Senator MASSEY spoke on the amendment.

Objection

Senator HEMBREE asked unanimous consent to proceed to Amendment No. 20, and immediately following Amendment No. 20, proceed to Amendment No. 18.

Senator MARTIN objected.

Senator MASSEY resumed speaking on the amendment.

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ACTING PRESIDENT PRESIDES

Senator TURNER assumed the Chair.

PRESIDENT PRESIDES

At 6:52 P.M., the PRESIDENT assumed the Chair.

Senator MASSEY continued speaking on the amendment.

Senator MASSEY moved to carry over the amendment.

Senator MARTIN moved to table the motion to carry over Amendment No. 9.

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

Ayes 13; Nays 26

AYES

Allen	Davis	Fanning
Harpootlian	Hutto	Kimpson
Martin	<i>Matthews, Margie</i>	McElveen
Nicholson	Reese	Sabb
Setzler		

Total--13

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Gregory	Hembree
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	Peeler
Rankin	Rice	Scott
Senn	Shealy	Talley
Turner	Williams	

Total--26

The Senate refused to table the motion to carry over the amendment.

Senator MARTIN moved that the Senate stand adjourned.

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

Ayes 6; Nays 34

AYES

Allen	Davis	Fanning
Kimpson	Martin	Sabb

Total--6

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Gregory	Harpootlian
Hembree	Hutto	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Scott	Senn	Setzler
Shealy	Talley	Turner
Williams		

Total--34

The Senate refused to stand adjourned.

The question then was the motion to carry over the amendment.

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

Ayes 27; Nays 13

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Gregory	Hembree
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	Nicholson
Peeler	Rankin	Rice

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Scott
Talley

Senn
Turner

Shealy
Williams

Total--27

NAYS

Allen
Harpootlian
Kimpson
McElveen
Setzler

Davis
Hutto
Martin
Reese

Fanning
Johnson
Matthews, Margie
Sabb

Total--13

The Senate agreed to carry over the amendment.

Objection

Senator GOLDFINCH asked unanimous consent to proceed to Amendment No. 20.

Senator MARTIN objected.

Motion Adopted

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

Debate was interrupted by adjournment.

MOTION ADOPTED

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Samuel Eugene "Gene" Faulkenberry of Camden, S.C. Gene retired from DuPont and was the fire marshal for Kershaw County. He was a member of Oak Ridge Baptist Church and attended Springvale Baptist Church. Gene enjoyed playing with his dog and grilling. Gene was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

TUESDAY, JANUARY 28, 2020

MOTION ADOPTED

On motion of Senators McELVEEN and JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Barbara Jean Pugh Elliott of Sumter, S.C. Barbara was the daughter of the late Allen and Lucinda Bosien Pugh and the wife of Willie “Bill” Elliott. She was a loving wife and devoted daughter who will be dearly missed.

ADJOURNMENT

At 7:05 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:00 P.M.

* * *

Wednesday, January 29, 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 31:8-9

“Speak for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.”

Let us pray. Loving God, You know every secret that dwells within our hearts -- all that we fear, all that we regret, all that we wish we could change but did not. Give us a clean spirit and thankful hearts for Your forgiveness and Your assurance that you will redeem us, empower us and never forsake us.

With all eternity ahead of us, teach us to use our time wisely with compassion for those who are sick, those who are destitute, those who are homeless, those who are physically and mentally challenged, those who struggle with addictions and those who feel that they must face life alone. Open the portals of our hearts and minds so that we will respond effectively with heartfelt prayer and compassion for those You love. Through the power of Your Holy Spirit we pray. Amen.

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

Point of Quorum

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Cash	Cromer
Davis	Fanning	Gambrell
Gregory	Harpootlian	Hembree

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Johnson	Malloy	Martin
Massey	Nicholson	Peeler
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

Recorded Presence

Senators GROOMS and CORBIN recorded their presence subsequent to the Call of the Senate.

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4878

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 et seq., and 38-73-70

SUBJECT: Named Storm or Wind/Hail Deductible

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Banking and Insurance

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted January 29, 2020

Leave of Absence

At 1:07 P.M., Senator LEATHERMAN requested a leave of absence for the balance of the day.

Leave of Absence

At 3:37 P.M., Senator CROMER requested a leave of absence for Senator CAMPBELL for the balance of the day.

Leave of Absence

At 3:37 P.M., Senator SABB requested a leave of absence for Senator McELVEEN for the balance of the day.

Expression of Personal Interest

Senator JOHNSON rose for an Expression of Personal Interest.

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Expression of Personal Interest

Senator NICHOLSON rose for an Expression of Personal Interest.

Remarks from Senator NICHOLSON

Thank you Mr. PRESIDENT, ladies and gentlemen of the Senate. I rise before you today regarding two unfortunate and devastating accidents which recently occurred. On Sunday, we were all shocked to hear about the helicopter crash that killed Kobe Bryant, his daughter and seven other people who were traveling on the helicopter. It was a tragedy.

We had another tragedy in our community in Saluda the other night. We were celebrating a few weeks ago Saluda High School winning the high school State Championship. There was an accident, and two high school students, Drayton Wade Black and Jaden Coleman died at the scene of the wreck. Jaden's brother, Kadius Coleman received life-threatening injuries. Both brothers played on the high school football team. Drayton Black was a senior at Saluda High School where he played on the baseball team.

I think it is appropriate that we take time and offer a moment of silence in remembrance of those students from Saluda High School, the staff, students, parents and the entire community for the loss of these two students.

On motion of Senator MASSEY, with unanimous consent, the remarks of Senator NICHOLSON, were ordered printed in the Journal.

CO-SPONSORS ADDED

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

S. 511 Sen. Reese
S. 879 Sens. Talley, Rice, Allen, Shealy and Turner
S. 998 Sen. J. Matthews

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1055 -- Senator Rice: A BILL TO AMEND SECTION 12-37-2460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CREDITING PROPERTY TAXES ON AIRLINES, SO AS TO CREDIT THE PROCEEDS OF TAXES TO THE STATE AVIATION FUND; AND TO AMEND SECTION 55-5-280, RELATING TO THE

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STATE AVIATION FUND, SO AS TO PHASE-IN THE CREDITING OF THE PROCEEDS.

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

S. 1056 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE MARLENE FLETCHER SIMPSON OF LANCASTER COUNTY ON THE OCCASION OF HER EIGHTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 1057 -- Senators Setzler and Hutto: A SENATE RESOLUTION TO HONOR AND RECOGNIZE DR. WALTER B. CURRY JR. FOR HIS SIGNIFICANT WORK IN SERVICE TO AFRICAN-AMERICAN HISTORY AND HERITAGE IN THIS STATE AND TO CONGRATULATE HIM ON RECEIVING THE 2019 INTERNATIONAL AFRICAN-AMERICAN HISTORICAL AND GENEALOGY SOCIETY BOOK AWARD.

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The Senate Resolution was adopted.

H. 5052 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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.

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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 EXTEND GRATEFUL THANKS TO ROBERT LEWIS SHAW OF KERSHAW COUNTY FOR HIS THIRTY-SIX YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA AS A VOLUNTEER CONSTABLE AND TO WISH HIM ALL THE BEST ON THE OCCASION OF HIS RETIREMENT.

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

H. 5054 -- Reps. G. M. Smith, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, 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. 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 RECOGNIZE AND HONOR GORDON OWENS SHUFORD, UPON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS THIRTY YEARS OF OUTSTANDING SERVICE TO HIS NATIVE STATE, AND TO OFFER WISHES FOR A RETIREMENT AS SATISFYING AND REWARDING TO HIM AS HIS SERVICE HAS BEEN TO THE PEOPLE OF SOUTH CAROLINA.

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

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REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 290 -- Senators Talley, Climer, Turner, Campbell, Senn, Bennett, Fanning and Kimpson: A BILL TO AMEND SECTION 61-2-170 OF THE 1976 CODE, RELATING TO DRIVE-THROUGH OR CURB SERVICE OF ALCOHOLIC BEVERAGES, TO PROVIDE THAT THE DEPARTMENT MAY NOT GENERATE LICENSE FEES TO BE DEPOSITED IN THE GENERAL FUND OF THE STATE THROUGH THE ISSUANCE OF LICENSES OR PERMITS FOR ON-OR OFF-PREMISES CONSUMPTION WHICH AUTHORIZE ALCOHOLIC LIQUORS TO BE SOLD ON A DRIVE-THROUGH OR CURB SERVICE BASIS; AND TO AMEND ARTICLE 1, CHAPTER 4, TITLE 61 OF THE 1976 CODE, RELATING TO BEER, ALE, PORTER, AND WINE, BY ADDING SECTION 61-4-45, TO PROVIDE THAT A RETAILER MAY DELIVER BEER AND WINE FOR OFF-PREMISES CONSUMPTION TO A CUSTOMER WHO HAS PURCHASED THE WINE OR BEER ONLINE IN ADVANCE OF THE DELIVERY FOR CURBSIDE PICKUP TO THE CUSTOMER'S VEHICLE IF THE VEHICLE IS LOCATED WITHIN A CLEARLY DESIGNATED PICKUP AREA LOCATED ADJACENT TO THE RETAILER'S PLACE OF BUSINESS, TO ESTABLISH REQUIREMENTS RELATED TO THIS PROVISION, AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 866 -- Senator Campsen: A BILL TO AMEND SECTION 5-15-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION 5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 867 -- Senator Campsen: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; AND TO PROVIDE THAT SECTIONS 1, 2, AND 3 OF THIS ACT ARE REPEALED ON JANUARY 1, 2021.

Ordered for consideration tomorrow.

Senator MASSEY from the Committee on Rules submitted a favorable report on:

S. 890 -- Senators Massey, Climer, Harpootlian, Campsen, Senn, Young, Shealy and Turner: A SENATE RESOLUTION TO AMEND THE RULES OF PROCEDURE FOR THE SENATE, BY ADDING RULE 55, TO REQUIRE CERTAIN DISCLOSURES FOR APPROPRIATIONS REQUESTS BY MEMBERS.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1007 -- Senators Talley and Campbell: A BILL TO AMEND SUBARTICLE 15, ARTICLE 3, CHAPTER 6, TITLE 61 OF THE 1976 CODE, RELATING TO THE REGULATION OF RETAIL DEALERS BY THE ALCOHOLIC BEVERAGE CONTROL ACT, AND SUBARTICLE 1, ARTICLE 5, CHAPTER 6, TITLE 61 OF THE 1976 CODE, RELATING TO BIENNIAL LICENSES AND LICENSEES FOR THE SALE OF ALCOHOLIC LIQUORS, BY ADDING SECTION 61-6-1545 AND SECTION 61-6-1615, TO PROVIDE THAT RETAIL DEALERS OF ALCOHOL AND BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC LIQUORS BY THE DRINK LOCATED IN PASSENGER TERMINAL FACILITIES AT COMMERCIAL SERVICE AIRPORTS ARE EXEMPT FROM RESTRICTIONS ON HOURS OF OPERATION AND THE SALE OF NONALCOHOLIC MERCHANDISE; AND TO AMEND CHAPTER 9, TITLE 55 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA AIRPORTS ACT, BY ADDING SECTION 55-9-370, TO PROVIDE THAT COMMERCIAL SERVICE AIRPORTS ARE REQUIRED TO ESTABLISH HOURS OF OPERATION FOR RETAIL DEALERS OF ALCOHOL AND BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC LIQUORS BY THE DRINK.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 1026 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3029 -- Reps. Fry, B. Newton, Crawford and Clemmons: A BILL TO AMEND SECTION 7-17-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS 7-17-530, 7-17-540, AND 7-17-550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 1050 -- Senator McElveen: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 12, 2020, AS "WORLD CHOLANGIOCARCINOMA DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

S. 1053 -- Senators Williams, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Young: A CONCURRENT RESOLUTION TO COMMEND DR. KRISHNAN FOR HIS FORTY-FIVE YEARS OF DEDICATED SERVICE TO THE CITY OF MULLINS, MARION COUNTY, AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 29, 2020, at 2:30 P.M. and the following Acts were ratified:

(R114, S. 11) -- Senators Peeler, Bennett, McElveen and Young: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-30 SO AS TO PROVIDE THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INTENDS FOR DAYLIGHT SAVING TIME TO BE THE YEAR-ROUND STANDARD TIME OF THE ENTIRE STATE SHOULD THE UNITED STATES CONGRESS AMEND CERTAIN RELATED FEDERAL LAW TO ALLOW STATES TO OBSERVE DAYLIGHT SAVING TIME YEAR ROUND.
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(R115, S. 975) -- Senator Johnson: AN ACT TO CONSOLIDATE CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND EAST CLARENDON COUNTY SCHOOL DISTRICT NO. 3 (CLARENDON COUNTY SCHOOL DISTRICT NO. 3) INTO ONE SCHOOL DISTRICT TO BE KNOWN AS CLARENDON COUNTY SCHOOL DISTRICT NO. 4; TO ABOLISH CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3 ON JULY 1, 2021; TO PROVIDE THAT CLARENDON COUNTY SCHOOL DISTRICT NO. 4 MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE CLARENDON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, SIX MEMBERS MUST BE ELECTED FROM A DEFINED SINGLE-MEMBER ELECTION DISTRICT AND ONE MEMBER MUST BE ELECTED FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER CLARENDON COUNTY SCHOOL DISTRICT NO. 1 AND CLARENDON COUNTY SCHOOL DISTRICT NO. 3; TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY SCHOOL DISTRICT NO. 4 BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY 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

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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, CLARENDON COUNTY SCHOOL DISTRICT NO. 4 SHALL HAVE TOTAL FISCAL AUTONOMY.

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(R116, H. 3174) -- Reps. Elliott, Tallon, G.R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon: AN ACT TO AMEND SECTION 56-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "ELECTRIC-ASSIST BICYCLES" AND "BICYCLES WITH HELPER MOTORS"; AND BY ADDING SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLISTS OPERATING BICYCLES WITH HELPER MOTORS ARE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

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(R117, H. 4244) -- Rep. Sandifer: AN ACT TO AMEND SECTION 38-78-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF "SERVICE CONTRACT" AND "WARRANTY" AND TO DEFINE THE TERMS "ROAD HAZARD", "THEFT PROTECTION PROGRAM", AND "THEFT PROTECTION PROGRAM WARRANTY"; TO AMEND SECTION 38-78-30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 38-78-50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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

Amendment No. 5

Senators SETZLER, HEMBREE, MALLOY, LOFTIS, CROMER, NICHOLSON, SENN, CASH, RICE, RANKIN, GROOMS, CAMPBELL, WILLIAMS, VERDIN, SCOTT, ALEXANDER, J. MATTHEWS, M.B. MATTHEWS, McLEOD, SABB, JOHNSON, ALLEN, JACKSON, CAMPSER and TURNER proposed the following amendment (419R020.SP.NGS), which was adopted:

Amend the bill, as and if amended, PART IV, page 43, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 59-149-15(A) and (B) of the 1976 Code is amended to read:

"Section 59-149-15. (A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of

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instruction in mathematics courses, or life and physical science courses, or a combination of both. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a LIFE Scholarship. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.”

SECTION __. Section 59-104-25(A) and (B) of the 1976 Code is amended to read:

“Section 59-104-25. (A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be

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making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a Palmetto Fellows Scholarship. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

Amendment No. 11

Senator RICE proposed the following amendment (419R011.SP.RFR), which was carried over:

Amend the bill, as and if amended, page 71, by striking lines 27-42, and page 72, by striking lines 1-23 and inserting:

/SECTION 52. A.Section 59-1-495 of the 1976 Code is amended to read:

“Section 59-1-495. (A) The General Assembly directs the State Superintendent of Education, the Executive Director of the Education

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Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee to be chaired by the appointee of the State Superintendent of Education to review Title 59 of the South Carolina Code of Laws and report to the General Assembly all statutes that are obsolete or no longer applicable. In addition, the report must identify all the federal education statutes and regulations with which the State of South Carolina is required to comply. The committee, with the assistance of the Revenue and Fiscal Affairs Office, must include in the report the total cost to the State of South Carolina to comply with the identified federal education statutes and regulations. This report must be submitted by December 31, 2016, and updated at least every five years thereafter.

(B) With the assistance of the Revenue and Fiscal Affairs Office, the State Department of Education will annually report the federal funding streams for programs and grants for elementary and secondary education in this State to the General Assembly. The report must include:

(1) the amount of federal funding provided to the State Department of Education that flows through to each school district;

(2) the applicable maintenance of state support, maintenance of local effort, and matching required by any applicable grant, and uses of these funds by state and local school districts;

(3) compliance activities conducted by the State; and

(4) the available outcome data and information applicable to each grant.”

B. Section 59-1-495(B) of the 1976 Code takes effect on August 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

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

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

PRESIDENT PRESIDES

At 1:50 P.M., the PRESIDENT assumed the Chair.

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Amendment No. 14

Senator KIMPSON proposed the following amendment (WAB\419C139.SM.WAB20), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 45.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

Senator MARTIN spoke on the amendment.

Senator BENNETT spoke on the amendment.

Senator FANNING spoke on the amendment.

Senator BENNETT moved to lay the amendment on the table.

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

Ayes 24; Nays 15

AYES

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

Total--24

NAYS

Allen	Fanning	Harpootlian
Johnson	Kimpson	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McLeod
Nicholson	Reese	Sabb
Setzler	Sheheen	Williams

Total--15

The amendment was laid on the table.

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Amendment No. 15

Senator KIMPSON proposed the following amendment (WAB\419C140.SM.WAB20), which was carried over:

Amend the bill, as and if amended, by Section 59-19-350(A), as contained in SECTION 45, by deleting subsection (A) and inserting:

/ “(A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ five or fewer schools of ~~choice~~ innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

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

Amendment No. 16

Senator KIMPSON proposed the following amendment (WAB\419C141.SM.WAB20), which was carried over:

Amend the bill, as and if amended, by Section 59-19-350(A), as contained in SECTION 45, by deleting subsection (A) and inserting:

/ “(A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ schools of ~~choice~~ innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is

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approved by a two-thirds affirmative vote of the State Board of Education.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

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

Amendment No. 18A

Senator DAVIS proposed the following amendment (419R038.SP.TD), which was adopted:

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Educator Fundamentals for Professional Excellence

Section 59-25-910. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all educators are vital components for achieving professional excellence. It is the policy of the State that educators:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, which are made in accordance with written school and district policies provided to faculty, fully respected by school and district officials;

(2) may take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(3) may work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(4) may have an unencumbered daily planning time of not less than thirty minutes each working day, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(5) are free of excessive and burdensome paperwork related to disciplinary actions, district evaluation procedures, and other administrative inquiries that prevent the fulfillment of teachers’ primary directive to implement effective instruction for their students;

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(6) are provided additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers; and

(7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Senator HEMBREE spoke on the amendment.

The question then was the adoption of the amendment.

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

Ayes 41; Nays 0

AYES

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

Total--41

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NAYS

Total--0

The amendment was adopted.

Statement by Senator Jackson

I was absent when the Senate voted on amendment 18A to S. 419 due to a scheduling conflict. If present, I would have voted for the amendment.

Amendment No. 19

Senator RICE proposed the following amendment (419R035.SP.RFR), which was adopted:

Amend the bill, as and if amended, PART II, page 18, line 25, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 1, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-130. Student data and information collected pursuant to this chapter shall be considered personal and confidential and shall be maintained in accordance with state and federal privacy laws.” /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

The amendment was adopted.

Amendment No. 20A

Senators DAVIS and GOLDFINCH proposed the following amendment (419R039.SP.GH), which was not adopted:

Amend the bill, as and if amended, PART VI, page 57, line 36, by adding an appropriately numbered new SECTION to read:

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

“ARTICLE 9

Teacher Bill of Rights

Section 59-25-910. (A) All certified public school teachers in South Carolina have a right to:

(1) have their professional judgment and discretion concerning disciplinary action or instructional decisions in the classroom, which are

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made in accordance with written school and district policies provided to faculty, be fully respected by school and district officials;

(2) take appropriate disciplinary measures, including the removal of persistently disruptive students, pursuant to school and district policies as referenced in item (1), to facilitate a learning environment built upon a mutual culture of respect between teachers and their assigned students;

(3) work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers, hazards, or threats that are causing or likely to cause serious injury or disability;

(4) an unencumbered daily planning time of not less than thirty minutes each working day, free from meetings, duties, or requirements incompatible with the effective planning of instruction;

(5) be free of excessive and burdensome paperwork related to disciplinary actions, district evaluation procedures, and other administrative inquiries that prevent the fulfillment of teachers' primary directive to implement effective instruction for their students;

(6) additional compensation for work time required above and beyond stated contracted days and established work day parameters for duties associated with their responsibilities as teachers;

(7) receive, as teachers under induction contracts, leadership and support from school and district personnel, including the assignment of qualified mentors who:

(a) commit to helping them become competent and confident professionals in the classroom; and

(b) offer support and assistance as needed to meet performance standards and professional expectations; and

(8) seek enforcement of the rights established herein pursuant to subsection (B).

(B)(1) A certified public school teacher who alleges that his rights established in subsection (A) have been violated may file a complaint with the local school district board specifically describing the occurrence and asserting which rights were violated. The local school district board must hear the complaint at its next regularly scheduled meeting or a special meeting called for that purpose. If the next regularly scheduled meeting occurs within ten days of the notice of the appeal, then the complaint may not be heard until the first meeting subsequent to the next regularly scheduled meeting.

(2) If a teacher decides to appeal the local school district board's decision, then the parties to the appeal must submit to mediation to facilitate a resolution to the dispute.

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(3) If mediation does not lead to a resolution, then the parties must engage in binding arbitration as provided by the Uniform Arbitration Act in Chapter 48, Title 15.

(4) If a teacher prevails under the provisions of this subsection, then he shall be entitled to reasonable attorneys' fees.

(C)(1) After the final disposition of the administrative process, a teacher may terminate his contract without penalty.

(2) A school or district may not terminate a teacher from employment for pursuing a remedy under subsection (B), regardless of the outcome.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Point of Personal Privilege

Senator GROOMS, with unanimous consent and Senator DAVIS retaining the floor, rose for a Point of Personal Privilege.

Remarks by Senator GROOMS

Members of this Body, we agree on a lot of issues. We usually debate honestly and with understanding regarding the needs in each other's districts. Today a group has claimed that Senators cancelled meetings with teachers on their lobby day. I'll say it. I was mentioned in an article -- it is simply not true. That is why I am standing here. When presented with the truth, the accusers backed down. They backed down and changed their statement, but the damage was already done.

Senators, like all of you, I met with teachers today. I met with teachers around the State. I met with teachers in my district. I met with school board members. I met with support staff. We have had productive conversations about respect for the profession, increasing pay, reducing standardized testing, and having the freedom to actually teach. Today was a positive day. I enjoyed the conversations that I had with teachers who met with me in my office, who stopped me in the hallway, who spoke with me on the State House steps. The task of improving education in this State is difficult enough without misrepresentation from partisan groups spreading lies to fit their status quo agenda. As we continue to debate these important issues, I am hopeful that we can stay focused, tune out the noise, and deliver a product that actually makes our schools better. Thank you, Mr. PRESIDENT.

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On motion of Senator DAVIS, with unanimous consent, the remarks of Senator GROOMS, were ordered printed in the Journal.

Senator DAVIS resumed speaking on the amendment.

The question then was the adoption of the amendment.

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

Ayes 14; Nays 28

AYES

Allen	Climer	Cromer
Davis	Fanning	Goldfinch
Grooms	Harpootlian	Hutto
Kimpson	Martin	McLeod
Reese	Setzler	

Total--14

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Corbin
Gambrell	Gregory	Hembree
Johnson	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
Nicholson	Peeler	Rankin
Rice	Sabb	Scott
Senn	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--28

The amendment failed.

Amendment No. 21

Senator SCOTT proposed the following amendment (419R017.SP.JS), which was carried over:

Amend the bill, as and if amended, page 64, by striking lines 14-15 and inserting:

~~/school year~~, the opening date for students must not be before the third Monday in August, except for schools /

WEDNESDAY, JANUARY 29, 2020

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the amendment.

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

Debate was interrupted by adjournment.

Motion Adopted

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

ADJOURNMENT

At 5:34 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, January 30, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Lamentations 3:22-23a

“The steadfast love of the Lord never ceases; his mercies never come to an end; they are new each morning;”

Let us pray. Merciful and loving God, the poetic words of Annie Johnson Flint remind us of Your steadfast love. She writes:

New each morning, the mercies of God;
His faithfulness fails not; it meets each new day.
New guidance for each step of the way,
New grace for new trials, new trust for old fears,
New patience for bearing the wrongs of the years,
New strength for new burdens, new courage for old,
New faith for whatever the day may unfold;
As fresh for each need as the dew on the sod,
Oh, new every morning the mercies of God!

In Your holy name we praise, Amen.

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

Point of Quorum

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Cash	Climer
Cromer	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Malloy

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Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Setzler
Shealy	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

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

Mark C. Edmonds, 131 Montis Drive, Greenville, SC 29617-8101
VICE Mark Edmonds (retired)

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4889

Agency: Department of Labor, Licensing and Regulation - Board of Chiropractic Examiners

Chapter: 25

Statutory Authority: 1976 Code Section 40-9-30(D)(3)

SUBJECT: Board of Chiropractic Examiners

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted January 30, 2020

Document No. 4892

Agency: Department of Labor, Licensing and Regulation - Board of Long Term Health Care Administrators

Chapter: 93

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

SUBJECT: Health Services Executive

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Legislative Review Expiration May 13, 2020

THURSDAY, JANUARY 30, 2020

Withdrawn and Resubmitted January 30, 2020

Document No. 4925

Agency: Department of Labor, Licensing and Regulation - Board of
Examiners in Opticianry

Chapter: 96

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

SUBJECT: Apprenticeships

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted January 30, 2020

Doctor of the Day

Senator RICE introduced Dr. Lori Carnsew of Easley, S.C., Doctor of
the Day.

Leave of Absence

At 11:05 A.M., Senator ALEXANDER requested a leave of absence
for Senator LEATHERMAN for the day.

Leave of Absence

At 11:09 A.M., Senator GAMBRELL requested a leave of absence
beginning at 11:30 A.M.

Leave of Absence

At 11:09 A.M., Senator CAMPBELL requested a leave of absence
beginning at 2:00 P.M.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

- S. 870 Sen. Rice
- S. 990 Sens. Hembree, Grooms, Loftis, Campbell, Turner, Peeler,
Davis, Bennett, Senn, Campsen, Rice and Corbin
- S. 1044 Sen. Campsen
- S. 1066 Sens. Shealy and M.B. Matthews

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1058 -- Senator Shealy: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF SERGEANT MAJOR HOWARD METCALF AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1059 -- Senator Martin: A SENATE RESOLUTION TO HONOR THE GLENN SPRINGS PRESERVATION SOCIETY FOR ITS OUTSTANDING WORK IN PRESERVING THE CULTURE AND HERITAGE OF THIS STATE AND TO CONGRATULATE THE SOCIETY ON RECEIVING THE PEGGY THOMPSON GIGNILLIAT PRESERVATION AWARD.

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The Senate Resolution was adopted.

S. 1060 -- Senators Jackson and Gregory: A BILL TO AMEND CHAPTER 1, TITLE 16 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FELONIES AND MISDEMEANORS, BY ADDING SECTION 16-1-140 SO AS TO PROVIDE FOR AN INCREASE IN THE PENALTY FOR AN UNDERLYING OFFENSE IF THE OFFENDER INTENTIONALLY SELECTED THE PERSON AGAINST WHOM THE CRIME IS COMMITTED OR SELECTED THE PROPERTY THAT IS DAMAGED OR OTHERWISE AFFECTED BY THE CRIME IN WHOLE OR IN PART BECAUSE OF THE OFFENDER'S BELIEF OR PERCEPTION REGARDING THE RACE, COLOR, ETHNICITY, NATIONAL ORIGIN, ANCESTRY, RELIGION, GENDER, SEXUAL ORIENTATION, OR DISABILITY OF THAT PERSON OR THE OWNER OR OCCUPANT OF THAT PROPERTY, WHETHER OR NOT THE OFFENDER'S BELIEF OR PERCEPTION WAS CORRECT; AND TO AMEND SECTION 63-19-1410, RELATING TO DISPOSITIONAL POWERS OF THE FAMILY COURT REGARDING CHILDREN ADJUDICATED DELINQUENT, SO AS TO AUTHORIZE THE COURT TO MAKE FINDINGS THAT A CHILD INTENTIONALLY SELECTED THE PERSON AGAINST

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WHOM AN OFFENSE IS COMMITTED OR SELECTED THE PROPERTY THAT IS DAMAGED OR OTHERWISE AFFECTED BY THE OFFENSE IN WHOLE OR IN PART BECAUSE OF THE CHILD'S BELIEF OR PERCEPTION REGARDING THE RACE, COLOR, ETHNICITY, NATIONAL ORIGIN, ANCESTRY, RELIGION, GENDER, SEXUAL ORIENTATION, OR DISABILITY OF THAT PERSON OR THE OWNER OR OCCUPANT OF THAT PROPERTY, WHETHER OR NOT THE CHILD'S BELIEF OR PERCEPTION WAS CORRECT AND ORDER A CHILD FOR WHOM SUCH FINDINGS ARE MADE, AS A CONDITION OF PROBATION, COMMITMENT, OR OTHERWISE, TO PARTICIPATE IN AN EDUCATIONAL PROGRAM REGARDING CULTURAL DIVERSITY.

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

S. 1061 -- Senators Gambrell and Nicholson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 81 IN MCCORMICK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 72 TO ITS INTERSECTION WITH THE RUSSELL DAM OVERLOOK "1SG JAMES HILLEY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

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The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

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S. 1063 -- Senators J. Matthews and Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MS. ELLA RILEY, HUMAN RESOURCE COORDINATOR OF FAMILY HEALTH CENTERS, INC., ON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR NEARLY HALF A CENTURY OF OUTSTANDING AND DEDICATED SERVICE, AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1064 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE LEXINGTON DISTRICT THREE UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO CELEBRATE BATESBURG-LEESVILLE HIGH SCHOOL'S ONE HUNDREDTH GRADUATING CLASS.

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The Senate Resolution was adopted.

S. 1065 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO COMMEMORATE THE THIRTIETH ANNIVERSARY OF THE PEACEFUL STUDENT PROTEST AT SOUTH CAROLINA STATE COLLEGE, NOW SOUTH CAROLINA STATE UNIVERSITY, WHERE THE STUDENT SIT-IN RESULTED IN POSITIVE AND GREAT ACHIEVEMENT FOR THE SOUTH CAROLINA STATE COLLEGE SCHOOL OF ENGINEERING AND TECHNOLOGY.

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The Senate Resolution was adopted.

S. 1066 -- Senators McLeod, Fanning, Shealy and M.B. Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-340 SO AS TO PROVIDE THAT UPON REQUEST OF A LAW ENFORCEMENT AGENCY, A WIRELESS TELECOMMUNICATIONS CARRIER SHALL PROVIDE CALL LOCATION INFORMATION CONCERNING THE

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TELECOMMUNICATIONS DEVICE OF THE USER TO THE LAW ENFORCEMENT AGENCY IN ORDER TO RESPOND TO A CALL FOR EMERGENCY SERVICES OR IN AN EMERGENCY SITUATION THAT INVOLVES THE RISK OF DEATH OR SERIOUS PHYSICAL HARM, TO PROVIDE THAT CERTAIN ACTIONS FOR RELIEF MAY NOT BE BROUGHT AGAINST A WIRELESS SERVICE PROVIDER UNDER THIS SECTION, AND PROVIDE SLED SHALL OBTAIN CONTACT INFORMATION FROM WIRELESS SERVICE PROVIDERS TO FACILITATE A REQUEST FROM A LAW ENFORCEMENT AGENCY.

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

S. 1067 -- Senator Malloy: A BILL TO AMEND SECTION 9-8-40 OF THE 1976 CODE, RELATING TO MEMBERSHIP IN THE RETIREMENT SYSTEM FOR JUDGES, SOLICITORS, AND PUBLIC DEFENDERS, TO REMOVE THE AGE LIMIT OF SEVENTY-TWO FOR THOSE ELIGIBLE TO BECOME MEMBERS OF THE SYSTEM; TO AMEND SECTION 9-8-60 OF THE 1976 CODE, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES, TO REMOVE THE REQUIREMENT THAT MEMBERS OF THE RETIREMENT SYSTEM FOR JUDGES, SOLICITORS, AND PUBLIC DEFENDERS MUST RETIRE BY THE END OF THE CALENDAR YEAR IN WHICH THEY TURN SEVENTY-TWO; AND TO REPEAL SECTION 22-1-25 OF THE 1976 CODE, RELATING TO THE MANDATORY RETIREMENT AGE FOR MAGISTRATES.

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

S. 1068 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

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H. 4760 -- Reps. Lucas, Allison, Clyburn, Felder, Yow, Calhoon, McGinnis and Bales: A BILL TO AMEND SECTION 59-18-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM TO PROMOTE STUDENT LEARNING AND STUDENT PERFORMANCE, SO AS TO REMOVE SOCIAL STUDIES FROM AMONG THE SUBJECTS ASSESSED IN THIRD GRADE THROUGH EIGHTH GRADE, TO PROVIDE SPECIFIC DIAGNOSTIC INFORMATION THAT THE ASSESSMENTS MUST INCLUDE, AND TO PROVIDE CERTAIN RELATED INFORMATION THAT DISTRICTS AND SCHOOLS SHALL PROVIDE PARENTS OR GUARDIANS OF STUDENTS BEING ASSESSED; AND TO AMEND SECTION 59-18-325, RELATING TO THE PROCUREMENT OF STANDARDS-BASED ASSESSMENTS BY THE STATE DEPARTMENT OF EDUCATION, SO AS TO PROVIDE THAT BEGINNING WITH THE 2021-2022 SCHOOL YEAR THE DEPARTMENT MUST EMBED ITEMS TO ADDRESS CERTAIN SOCIAL STUDIES STANDARDS ON THE SC READY READING AND WRITING ASSESSMENTS.

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

H. 5008 -- Rep. Oremus: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BELVEDERE CLEARWATER ROAD (SOUTH CAROLINA HIGHWAY 126) IN AIKEN COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH AUGUSTA ROAD (SOUTH CAROLINA HIGHWAY 421) THE "HONORABLE RONALD 'RONNIE' YOUNG MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

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

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

THURSDAY, JANUARY 30, 2020

LIFE, AND TO DECLARE WEDNESDAY, FEBRUARY 19, 2020, AS PROFESSIONAL ENGINEERS DAY IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 5078 -- Reps. Clemmons, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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 RECOGNIZE AND HONOR EDWARD CHARLES "ED" SUGGS, JR., OF THE PEE DEE AREA COUNCIL OF THE BOY SCOUTS OF AMERICA, AND TO CONGRATULATE HIM FOR BEING NAMED THE COUNCIL ALUMNUS OF THE YEAR.

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

H. 5079 -- Reps. Clemmons, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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,

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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 RECOGNIZE AND HONOR LAURENCE HENRY "LARRY" GREEN OF THE PEE DEE AREA COUNCIL OF THE BOY SCOUTS OF AMERICA, AND TO CONGRATULATE HIM UPON RECEIVING THE NATIONAL EAGLE SCOUT ASSOCIATION OUTSTANDING EAGLE SCOUT AWARD.

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

H. 5080 -- Reps. Clemmons, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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 RECOGNIZE AND HONOR WALTER HILTON "WALT" BAREFOOT OF THE PEE DEE AREA COUNCIL OF THE BOY SCOUTS OF AMERICA AND TO CONGRATULATE HIM UPON RECEIVING THE NATIONAL EAGLE SCOUT ASSOCIATION OUTSTANDING EAGLE SCOUT AWARD.

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

THURSDAY, JANUARY 30, 2020

REPORTS OF STANDING COMMITTEES

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 881 -- Senator Cromer: A BILL TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 882 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT" BY ADDING CHAPTER 101 TO TITLE 38 SO AS TO ADVANCE DIFFERENT FLOOD INSURANCE COVERAGES FOR THE BENEFIT OF CONSUMERS AND INSURERS.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out S. 980 favorable:

S. 980 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

Poll of the Medical Affairs Committee

Polled 17; Ayes 17; Nays 0

AYES

Verdin
Hutto

Peeler
Martin

Jackson
Nicholson

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Scott	Alexander	Davis
Johnson	Campbell	Corbin
Kimpson	Margie Matthews	Gambrell
Senn	Cash	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

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

THIRD READING BILL

S. 1010 -- Senators Young, Massey and Setzler: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NON-VOTING MEMBERS.

On motion of Senator YOUNG.

Message from the House

Columbia, S.C., January 30, 2020

Mr. President and Senators:

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

S. 996 -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND THE SCREENING FOR CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO PROVIDE FOR ADVERTISEMENT FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD AND FOR CERTAIN PROCESS REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020, THROUGH NOON ON FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER; AND TO

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PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS
MAY BE RELEASED.

Very respectfully,

Speaker of the House

Received as information.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 996 -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND THE SCREENING FOR CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO PROVIDE FOR ADVERTISEMENT FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD AND FOR CERTAIN PROCESS REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020, THROUGH NOON ON FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER; AND TO PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS MAY BE RELEASED.

The House returned the Resolution with amendments.

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

Senator ALEXANDER explained the House amendments.

Senators ALEXANDER, RANKIN and HUTTO proposed the following amendment (JUD0996.001), which was adopted:

Amend the joint resolution, as and if amended, beginning on page 1, line 27, and ending on page 2, line 2, by striking SECTION 1, in its entirety.

To further amend the joint resolution, as and if amended, page 2, after line 38, as contained in SECTION 2, by adding the following:

/ In screening candidates for the Public Service Commission and making its findings, the Public Utilities Review Committee must seek to find the best qualified people by giving due consideration to the: (1) ability, dedication, compassion, common sense, and integrity of the candidates; and (2) race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State. /

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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

AYES

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

Total--38

NAYS

Total--0

The amendment was adopted.

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA

THURSDAY, JANUARY 30, 2020

CAREER OPPORTUNITY AND ACCESS FOR ALL ACT”, TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

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

Amendment No. 22

Senator SCOTT proposed the following amendment (419R014.SP.JS), which was carried over:

Amend the bill, as and if amended, by deleting PART IV in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the amendment.

Senator HEMBREE spoke on the amendment.

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

Motion Adopted

On motion of Senator SETZLER, with unanimous consent, Senators CLIMER, GREGORY, McLEOD and SETZLER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Amendment No. 23

Senator SCOTT proposed the following amendment (419R015.SP.JS), which was carried over:

Amend the bill, as and if amended, page 36, by striking lines 39-43 and inserting:

/ (a) South Carolina public institution defined in Section 59-103-5, excluding a public two-year or technical institution, and an independent institution as defined in Section 59-113-50, excluding an eleemosynary junior or independent two-year institution; or /

Renumber sections to conform.

Amend title to conform.

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

Amendment No. 24

Senator SCOTT proposed the following amendment (419R018.SP.JS), which was carried over:

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

/SECTION __. Section 59-26-40 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() For the purposes of this subsection, coaching is not an extracurricular activity. A school district may not assign an extracurricular activity requirement to classroom teachers employed by an induction or annual contract that is not a natural extension of the scope of their classroom instruction.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the amendment.

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

Amendment No. 25A

Senators RANKIN, HEMBREE, GOLDFINCH, REESE, LOFTIS, SABB, JACKSON, and GROOMS proposed the following amendment (419R052.SP.LAR), which was carried over:

Amend the bill, as and if amended, by striking SECTION 50.

Renumber sections to conform.

Amend title to conform.

Senator RANKIN spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator SHEALY assumed the Chair.

PRESIDENT PRESIDES

At 1:47 P.M., the PRESIDENT assumed the Chair.

Senator RANKIN continued speaking on the amendment.

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

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Amendment No. 28A

Senator SETZLER proposed the following amendment (419R053.SP.NS), which was adopted:

Amend the bill, as and if amended, page 55, by deleting SECTION 36.
Renumber sections to conform.
Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was adopted.

Amendment No. 29

Senators MASSEY, DAVIS and SETZLER proposed the following amendment (419R040.SP.ASM):

Amend the bill, as and if amended, PART VII, page 65, line 8, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-1970. Each local school district board of trustees shall adopt a streamlined template for a classroom teacher to use when preparing student learning objectives. Any data required on the template that is not specifically related to the teacher’s direct interaction with and observation of a particular student must be prepared and provided by the district office.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

Debate was interrupted by adjournment.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Mark C. Edmonds, 131 Montis Drive, Greenville, SC 29617-8101
VICE Mark Edmonds (retired)

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Motion Adopted

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

MOTION ADOPTED

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Tony J. Brown of Columbia, S.C. Tony was a loving son and devoted brother who will be dearly missed.

ADJOURNMENT

At 2:21 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, January 31, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McLEOD.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SETZLER, the Senate adjourned to meet next Tuesday, February 4, 2020, at 2:00 P.M.

* * *

February 4, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Proverbs 3:13

“Blessed is the one who finds wisdom, and the one who gets understanding.”

Let us pray. Gracious and almighty God, we dedicate this day to You as we press on to the challenges of this week. Before us is a new day filled with more to do than we can accomplish on our own. We reject the idea that all things work out and we ask You, O Lord, to work out all things. Lord, we believe that the tasks that we shall do this week are crucial for our State. Anoint the minds of all those who serve You here with vision and discernment that they may walk together to pass inspired legislation that will lift up the people of this State for generations to come. In Your holy name we pray, Amen.

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

Point of Quorum

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

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Hembree	Hutto
Malloy	Martin	Massey
Nicholson	Peeler	Rice
Scott	Senn	Setzler

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Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Initial Appointment, Edgefield County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Joseph V. Mosley, 1445 Bettis Academy Rd., Trenton, SC 29847-2603 *VICE* Ms. Brenda B. Carpenter, resigned

REGULATION WITHDRAWN

The following was received:

Document No. 4922

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Fee Schedules

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn February 4, 2020

Doctor of the Day

Senator McELVEEN introduced Dr. Christopher Yeakel of Elgin, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CLIMER, at 6:01 P.M., Senator GOLDFINCH was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator TALLEY, at 6:01 P.M., Senator REESE was granted a leave of absence for the balance of the day.

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Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 906 Sen. Rankin
S. 910 Sen. Sabb
S. 998 Sen. Gregory

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1069 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO CONTRACTOR PERFORMANCE EVALUATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4916, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1070 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO DISQUALIFICATION AND SUSPENSION FROM PARTICIPATION IN CONTRACTS WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4917, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

TUESDAY, FEBRUARY 4, 2020

S. 1071 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1072 -- Senator Rankin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR VANESSA ELLERBE WYCHE, A NATIVE OF CONWAY, SOUTH CAROLINA, ON THE OCCASION OF HER ADDRESS TO THE HISTORICALLY BLACK COLLEGES OF SOUTH CAROLINA ON MONDAY, FEBRUARY 10, 2020.

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The Senate Resolution was adopted.

S. 1073 -- Senators Nicholson, 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, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR THE SALUDA HIGH SCHOOL FOOTBALL TEAM AND COACHES ON THEIR IMPRESSIVE WIN OF THE 2019 CLASS AA STATE CHAMPIONSHIP AND TO SALUTE THE PLAYERS ON A STUPENDOUS SEASON.

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The Senate Resolution was adopted.

H. 4753 -- Reps. Lucas, Allison, Chellis, Taylor, Oremus, McCravy, Robinson, Trantham, Kimmons, Calhoon, Yow, Thigpen, Henegan, Rivers, S. Williams, Wooten, Blackwell, Haddon, Hill and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 25, TITLE 59 SO AS

TUESDAY, FEBRUARY 4, 2020

TO ENACT THE "TEACHER BILL OF RIGHTS", AND TO ENUMERATE THE BASIC RIGHTS TO WHICH ALL CERTIFIED PUBLIC SCHOOL TEACHERS IN THIS STATE ARE ENTITLED; BY ADDING SECTION 59-25-60 SO AS TO PROVIDE PUBLIC SCHOOL CLASSROOM TEACHERS AND FULL-TIME LIBRARIANS ARE ENTITLED TO AT LEAST A THIRTY-MINUTE DAILY PLANNING PERIOD FREE FROM THE INSTRUCTION AND SUPERVISION OF STUDENTS, TO PROVIDE EACH SCHOOL DISTRICT MAY SET FLEXIBLE OR ROTATING SCHEDULES FOR THE IMPLEMENTATION OF THESE DUTY-FREE PLANNING PERIODS, TO PROVIDE IMPLEMENTATION OF THESE PROVISIONS MAY NOT RESULT IN A LENGTHENED SCHOOL DAY, AND TO PROVIDE TEACHERS OR LIBRARIANS MAY REPORT ALLEGATIONS OF VIOLATIONS TO THE OMBUDSMAN OF THE STATE DEPARTMENT OF EDUCATION; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE CERTAIN PUBLIC SCHOOL TEACHERS WITH INCOME TAX CREDITS FOR RESIDENTIAL PROPERTY TAXES PAID.

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

H. 4936 -- Reps. Ott, Forrest, Hixon, R. Williams and Jefferson: A BILL TO AMEND SECTION 50-13-670, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POSSESSION OF NONGAME DEVICES, SO AS TO DELETE THE PROHIBITION ON THE POSSESSION OF A GAME FISH DEVICE WHILE POSSESSING OR USING A NONGAME DEVICE.

Read the first time and referred to the Committee on Fish, Game and Forestry.

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.

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

TUESDAY, FEBRUARY 4, 2020

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.

Read the first time and ordered placed on the Local and Uncontested Calendar.

Motion Adopted

Senator MASSEY moved that when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. on Wednesday, February 5, 2020, for the purpose of attending a Joint Assembly and at the conclusion of the Joint Assembly, the Senate will stand in recess until 2:00 P.M.

The motion was adopted.

MOTION TO VARY THE ORDER OF THE DAY FAILED

Senator MASSEY moved under Rule 32 to vary the order of the day in order to go the Uncontested Statewide Calendar.

Senator MALLOY asked unanimous consent to be heard on the motion.

There was no objection.

Senator MALLOY spoke on the motion.

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

Ayes 26; Nays 15

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Leatherman	Massey	Peeler
Rice	Senn	Setzler

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Shealy	Talley	Turner
Verdin	Young	

Total--26

NAYS

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

Total--15

The motion to vary the order of the day failed.

REPORTS OF STANDING COMMITTEE

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 690 -- Senators Campsen, Senn, Davis and Campbell: A BILL TO AMEND SECTION 48-22-40 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE SOUTH CAROLINA GEOLOGICAL SURVEY UNIT OF THE DEPARTMENT OF NATURAL RESOURCES, TO AUTHORIZE THE DIVISION TO CONDUCT TOPOGRAPHIC MAPPING USING LIGHT DETECTION AND RANGING (LiDAR) DATA COLLECTIONS TO ENSURE COMPLIANCE WITH CERTAIN FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARDS, TO REQUIRE THE DIVISION TO PROVIDE THIS INFORMATION TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES FLOOD MITIGATION PROGRAM, AND TO REQUIRE THAT THE TOPOGRAPHIC MAPS BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT OF NATURAL RESOURCES' WEBSITE.

Ordered for consideration tomorrow.

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 868 -- Senators Campsen and Campbell: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN

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EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

Ordered for consideration tomorrow.

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 870 -- Senators Campsen, Setzler, J. Matthews, Reese, Jackson, Rankin, Alexander, Hutto, Grooms, Cromer, Sheheen, Davis, Nicholson, Gregory, Johnson, Hembree, McElveen, Shealy, Turner, Young, Sabb, Kimpson, Gambrell, Fanning, McLeod, Senn, Talley, Harpootlian, Malloy, Allen, M.B. Matthews, Williams and Rice: A BILL TO AMEND ARTICLE 2, CHAPTER 43, TITLE 48 OF THE 1976 CODE, RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION, BY ADDING SECTION 48-43-300, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM APPROVING A PLAN, LICENSE, OR PERMIT APPLICATION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; TO AMEND SECTION 48-43-310 OF THE 1976 CODE, RELATING TO THE REQUIREMENT FOR AN EXPLORATION PERMIT AND THE DISPOSITION OF FUNDS COLLECTED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 48-43-390(H) OF THE 1976 CODE, RELATING TO PERMITS TO CONSTRUCT DEEP WATER PORT FACILITIES, TO MAKE CONFORMING CHANGES; TO AMEND ARTICLE 1, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS, BY ADDING SECTION 6-1-190, TO PROHIBIT THE APPROVAL OF A PLAN, LICENSE, OR PERMIT APPLICATION BY A CITY, COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF

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OFFSHORE CRUDE OIL OR NATURAL GAS; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable report on:

H. 4811 -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest, Hixon and Ligon: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

Ordered for consideration tomorrow.

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

SECOND READING BILLS

S. 988 -- Senator Sheheen: A BILL TO AMEND SECTIONS 1 AND 2 OF ACT 172 OF 1995, RELATING TO THE KERSHAW COUNTY TRANSPORTATION COMMITTEE, TO PROVIDE THAT EACH MEMBER OF THE KERSHAW COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID FROM KERSHAW COUNTY "C" FUND REVENUES NINETY DOLLARS FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, TO PROVIDE THAT THE CHAIRMAN SHALL BE ALLOWED AND PAID FROM KERSHAW COUNTY "C" FUND REVENUES ONE HUNDRED SEVENTY-FIVE DOLLARS FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, AND TO PROVIDE THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS IN ANY SINGLE FISCAL YEAR WHICH VOUCHERS AUTHORIZE PAYMENT FOR MORE THAN EIGHTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE.

On motion of Senator SHEHEEN.

S. 994 -- Senators Malloy and McElveen: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND

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REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE, AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

On motion of Senator MALLOY.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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

Amendment No. 29

Senators MASSEY and SETZLER proposed the following amendment (419R040.SP.ASM), which was adopted:

Amend the bill, as and if amended, PART VII, page 65, line 8, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 19, Chapter 18, Title 59 of the 1976 Code is amended by adding:

"Section 59-18-1970. Each local school district board of trustees shall adopt a streamlined template for a classroom teacher to use when preparing student learning objectives. Any data required on the template

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that is not specifically related to the teacher's direct interaction with and observation of a particular student must be prepared and provided by the district office." /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Amendment No. 30

Senators MARTIN and SHEALY proposed the following amendment (WAB\419C249.SM.WAB20):

Amend the bill, as and if amended, SECTION 50. A., pages 67-68, by deleting Section 59-1-425(A) and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

Senator FANNING spoke on the amendment.

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ACTING PRESIDENT PRESIDES

Senator SENN assumed the Chair.

PRESIDENT PRESIDES

At 4:50 P.M., the PRESIDENT assumed the Chair.

Senator FANNING continued speaking on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 15; Nays 27

AYES

Gregory	Grooms	Hembree
Hutto	Jackson	Kimpson
Leatherman	Loftis	Malloy
<i>Matthews, Margie</i>	Peeler	Rankin
Sabb	Senn	Verdin

Total--15

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Johnson	Martin	Massey
McElveen	McLeod	Nicholson
Rice	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Williams	Young

Total--27

The Senate refused to lay the amendment on the table.

Senator RANKIN spoke on the amendment.

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Objection

On motion of Senator MARTIN, with unanimous consent and Senator RANKIN retaining the floor, moved that the Senate stand adjourned.

Senator MASSEY objected.

Senator RANKIN resumed speaking on the amendment.

ACTING PRESIDENT PRESIDES

Senator DAVIS assumed the Chair.

PRESIDENT PRESIDES

At 6:35 P.M., the PRESIDENT assumed the Chair.

Debate was interrupted by adjournment.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Edgefield County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Joseph V. Mosley, 1445 Bettis Academy Rd., Trenton, SC 29847-2603 *VICE* Ms. Brenda B. Carpenter, resigned

Motion Adopted

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

MOTION ADOPTED

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Eugene Bedford Ross of Bennettsville, S.C. Eugene was an entrepreneur, philanthropist, pharmacist and avid golfer. He was an all-star high school athlete at Crystal Springs Consolidate High School. In 1948, he enlisted in the Air Force and served as a drill instructor during the Korean War. Eugene became a pharmacist and was a founder of Eureka Drug Store, Inc. in Laurens. He was a member of First United Methodist Church of Laurens, Marlboro Country Club and Lakeside Country Club. Eugene was a loving father and doting grandfather who will be dearly missed.

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and

MOTION ADOPTED

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. C. W. “Bill” Hogan of Clinton, S.C. Bill was a businessman, U.S. Army veteran of World War II, radio station owner and sports announcer. Bill was inducted into the Laurens County Sports Hall of Fame in 2019. He served as president of the Laurens Chamber and the Rotary Club. He was a long time member of Saint Boniface Catholic Church. Bill was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 6:36 P.M., on motion of Senator MALLOY, the Senate adjourned to meet tomorrow at 11:45 A.M.

* * *

Wednesday, February 5, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:45 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 46:1, 2a

“God is our refuge and strength, a very present help in trouble. Therefore we will not fear...”

Let us pray. Almighty God, You are a very present help in times of trouble. Though we are the most blessed nation on earth and arguably in history, our blessings do not inoculate us from suffering. Even in these hallowed halls where each person is met with a broad smile and a cheerful greeting, there is pain beneath the surface. Many of our colleagues carry heavy burdens -- a gnawing fear of a frightening health issue either personally or in a dear friend or a loved one. We wish sometimes that You, O God, had created us to be eternal -- the irony is -- You did! You breathed life into each one of us with a plan for us to be useful, productive and loving for as long as we have these mortal bodies. You have opened every door for us with Your healing hand and Your guidance for the medical community that treats us. We offer this prayer in Your holy name. Amen.

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

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that the Senate would reconvene after the conclusion of the Joint Assembly at 2:00 P.M.

RECESS

At 11:55 A.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

WEDNESDAY, FEBRUARY 5, 2020

JOINT ASSEMBLY

Elections

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

Election of a Justice, Supreme Court, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to the position of Justice, Supreme Court, Seat 5.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable George C. James, Jr. had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable George C. James Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable George C. James, Jr. was elected to the position Justice, Supreme Court, Seat 5 for the term to expire July 31, 2030.

Election of a Court of Appeals Judge, Seat 7

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat 7.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Stephanie Pendarvis McDonald had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Stephanie Pendarvis McDonald in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stephanie Pendarvis McDonald was elected to the position of Judge, Court of Appeals, Seat 7 for the term to expire June 30, 2026.

Election of a Circuit Court Judge, At-Large, Seat 11

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, at-large, Seat 11.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Alison Renee Lee had been screened and found qualified to serve.

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Representative G. Murrell Smith, Jr. placed the name of the Honorable Alison Renee Lee in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Alison Renee Lee was elected to the position of Judge, Circuit Court, at-large, Seat 11 for the term to expire June 30, 2026.

Election of a Circuit Court Judge, At-Large, Seat 13

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, at-large, Seat 13.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Amanda A. Bailey, Debbie Chapman and the Honorable Marvin H. Dukes III had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the names of Amanda A. Bailey and the Honorable Marvin H. Dukes III were withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of Debbie Chapman in nomination, moved that the nominations be closed and, asked unanimous consent that the vote be taken by acclamation.

Representative Hill objected and a roll call vote was ordered.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hutto	Johnson	Kimpson
Loftis	Malloy	Massey
<i>Matthews, John</i>	McLeod	Nicholson
Peeler	Rankin	Rice
Sabb	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--36

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On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted in the affirmative:

Allison	Anderson	Atkinson
Bailey	Bales	Bamberg
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brown	Bryant	Burns
Calhoon	Caskey	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	Johnson
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
Matthews	McCoy	McCravy
McDaniel	McGinnis	McKnight
D. C. Moss	Murphy	B. Newton
W. Newton	Oremus	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Rutherford	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Thigpen	Trantham	Weeks
West	Wheeler	White

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Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

Total--111

The following named Representatives voted in the negative:

Hill	Jones
------	-------

Total--2

RECAPITULATION

Total number of Senators voting	36
Total number of Representatives voting.....	<u>113</u>
Grand Total.....	149
Ayes	147
Nays	2

Whereupon, the PRESIDENT announced that the Honorable Debbie Chapman was elected to the position of Judge, Circuit Court, at-large, Seat 13 for the term to expire June 30, 2026.

Election of a Family Court Judge, 3rd Judicial Circuit, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 3rd Judicial Circuit, Seat 3.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Ernest Joseph Jarrett had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of Ernest Joseph Jarrett in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ernest Joseph Jarrett was elected to the position of Judge, Family Court, 3rd Judicial Circuit, Seat 3 for the term to expire June 30, 2025.

Election of a Family Court Judge, 4th Judicial Circuit, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 4th Judicial Circuit, Seat 3.

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Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Michael S. Holt had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Michael S. Holt in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Michael S. Holt was elected to the position of Judge, Family Court, 4th Judicial Circuit, Seat 3 for the term to expire June 30, 2026.

Election of a Family Court Judge, 5th Judicial Circuit, Seat 1

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 5th Judicial Circuit, Seat 1.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Blakely Copeland Cahoon, Laurel Eden Harvey Hendrick and C. Vance Stricklin, Jr. had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the names of Laurel Eden Harvey Hendrick and Blakely Copeland Cahoon were withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of C. Vance Stricklin, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable C. Vance Stricklin, Jr. was elected to the position of Judge, Family Court, 5th Judicial Circuit, Seat 1 for the term to expire June 30, 2022.

Election of a Family Court Judge, 6th Judicial Circuit, Seat 2

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 6th Judicial Circuit, Seat 2.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Debra A. Matthews had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Debra A. Matthews in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

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Whereupon, the PRESIDENT announced that the Honorable Debra A. Matthews was elected to the position of Judge, Family Court, 6th Judicial Circuit, Seat 2 for the term to expire June 30, 2026.

Election of a Family Court Judge, 9th Judicial Circuit, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 9th Judicial Circuit, Seat 5.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Spiros Stavros Ferderigos, Marissa K. Jacobson and Julianne M. Stokes had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the names of Marissa K. Jacobson and Julianne M. Stokes were withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of Spiros Stavros Ferderigos in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Spiros Stavros Ferderigos was elected to the position of Judge, Family Court, 9th Judicial Circuit, Seat 5 for the term to expire June 30, 2026.

Election of a Family Court Judge, 10th Judicial Circuit, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 10th Judicial Circuit, Seat 3.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that M. Scott McElhannon and Brittany Dreher Senerius had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the name of Brittany Dreher Senerius was withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of M. Scott McElhannon in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable M. Scott McElhannon was elected to the position of Judge, Family Court, 10th Judicial Circuit, Seat 3 for the term to expire June 30, 2025.

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Election of a Family Court Judge, 13th Judicial Circuit, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 13th Judicial Circuit, Seat 5.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Tarita A. Dunbar had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Tarita A. Dunbar in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Tarita A. Dunbar was elected to the position of Judge, Family Court, 13th Judicial Circuit, Seat 5 for the term to expire June 30, 2026.

Election of a Family Court Judge, 14th Judicial Circuit, Seat 2

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 14th Judicial Circuit, Seat 2.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Jean K. McCormick and the Honorable Douglas L. Novak had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the name of Jean K. McCormick was withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Douglas L. Novak in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Douglas L. Novak was elected to the position of Judge, Family Court, 14th Judicial Circuit, Seat 2 for the term to expire June 30, 2022.

Election of a Family Court Judge, 15th Judicial Circuit, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 15th Judicial Circuit, Seat 3.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Ronald R. Norton had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Ronald R. Norton in nomination, moved that nominations be closed and,

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with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ronald R. Norton was elected to the position of Judge, Family Court, 15th Judicial Circuit, Seat 3 for the term to expire June 30, 2026.

Election of a Family Court Judge, At-Large, Seat 1

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, at-large, Seat 1.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that Martha M. Rivers Davisson, Kimaka (Kim) Nichols-Graham and R. Chadwick (Chad) Smith had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the names of Martha M. Rivers Davisson and R. Chadwick (Chad) Smith were withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of Kimaka (Kim) Nichols-Graham in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Kimaka (Kim) Nichols-Graham was elected to the position of Judge, Family Court, at-large, Seat 1 for the term to expire June 30, 2025.

Election of a Family Court Judge, At-Large, Seat 2

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, at-large, Seat 2.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Bryan C. Able, Timothy E. Madden and Rebecca West had been screened and found qualified to serve.

On motion of Representative G. Murrell Smith, Jr. the names of the Honorable Bryan C. Able and Rebecca West were withdrawn from consideration.

Representative G. Murrell Smith, Jr. placed the name of Timothy E. Madden in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Timothy E. Madden was elected to the position of Judge, Family Court, at-large, Seat 2 for the term to expire June 30, 2025.

WEDNESDAY, FEBRUARY 5, 2020

Election of an Administrative Law Court Judge, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat 3.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Harold W. (Bill) Funderburk Jr. had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Harold W. (Bill) Funderburk, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Harold W. (Bill) Funderburk, Jr. was elected to the position of Judge, Administrative Law Court, Seat 3 for the term to expire June 30, 2025.

Election of an Administrative Law Court Judge, Seat 4

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat 4.

Representative G. Murrell Smith, Jr., Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Deborah Brooks Durden had been screened and found qualified to serve.

Representative G. Murrell Smith, Jr. placed the name of the Honorable Deborah Brooks Durden in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Deborah Brooks Durden was elected to the position of Judge, Administrative Law Court, Seat 4 for the term to expire June 30, 2025.

**Election to the Board of Trustees for
Coastal Carolina University, At-Large, Seat 8**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Coastal Carolina University, at-large, Seat 8.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Toby S. Jenkins and Jason M. Repak had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Toby S. Jenkins was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

WEDNESDAY, FEBRUARY 5, 2020

Whereupon, the PRESIDENT announced that the Honorable Jason M. Repak was elected to a position on the Board of Trustees for Coastal Carolina University, at-large, Seat 8 for a term to expire June 30, 2021.

Election to the Board of Trustees for the Wil Lou Gray Opportunity School At-Large Seat

The PRESIDENT announced that nominations were in order to elect successors to the at-large seat on the Board of Trustees for the Wil Lou Gray Opportunity School.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Greg Vaughn had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, the PRESIDENT announced that the Honorable Greg Vaughn was elected to a position on the Board of Trustees for the Wil Lou Gray Opportunity School at-large seat for the term to expire June 30, 2021.

Election to the Old Exchange Building Commission Two At-Large Seats

The PRESIDENT announced that nominations were in order to elect a successors to the two at-large seats on the Old Exchange Building Commission. Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Catherine M. Patterson and J. Tracy Power had been screened and found qualified to serve and placed their names in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, the PRESIDENT announced that the Honorable Catherine M. Patterson and the Honorable J. Tracy Power were elected to the two at-large seats on the Old Exchange Building Commission for the terms to expire June 30, 2024.

WEDNESDAY, FEBRUARY 5, 2020

Election to the Legislative Audit Council

Attorney Seat

The PRESIDENT announced that nominations were in order to elect an attorney seat to the Legislative Audit Council.

Senator ALEXANDER indicated that Charles L. A. Terreni had been screened and found qualified to serve and placed his name in nomination.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Charles L. A. Terreni was elected to the Legislative Audit Council Attorney seat for the term to expire June 30, 2025.

Election to the Legislative Audit Council

Certified Public Accountant Seat

The PRESIDENT announced that nominations were in order to elect a certified public accountant to the Legislative Audit Council.

Senator ALEXANDER indicated that Rodney E. Druschel and Phillip F. Laughridge had been screened and found qualified to serve and their names were placed in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Rodney E. Druschel:

Alexander	Bennett	Campbell
Fanning	Gambrell	Goldfinch
Hutto	<i>Matthews, John</i>	Peeler
Rankin		

Total--10

The following named Senators voted for Phillip F. Laughridge:

Allen	Campsen	Cash
Climer	Cromer	Davis
Grooms	Johnson	Kimpson
Loftis	Malloy	McLeod
Nicholson	Rice	Sabb
Setzler	Shealy	Talley
Turner	Verdin	Young

Total--21

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On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Rodney E. Druschel:

Allison	Anderson	Bailey
Bales	Blackwell	Brawley
Bryant	Cobb-Hunter	Cogswell
B. Cox	Daning	Davis
Elliott	Felder	Forrest
Forrester	Gilliam	Gilliard
Govan	Hardee	Henderson-Myers
Henegan	Hewitt	Hixon
Hyde	Jefferson	Johnson
Jordan	Kimmons	King
Kirby	Ligon	Lowe
Mace	Mack	Martin
Matthews	McCoy	McDaniel
McGinnis	McKnight	Murphy
B. Newton	Parks	Pendarvis
Rivers	Robinson	Rutherford
Simrill	Sottile	Stavrinakis
Thigpen	Whitmire	S. Williams

Total--54

The following named Representatives voted for Phillip F. Laughridge:

Bannister	Bennett	Bernstein
Brown	Burns	Calhoon
Caskey	Chumley	Clary
Clemmons	Clyburn	Crawford
Dillard	Erickson	Gagnon
Haddon	Hayes	Henegan
Herbkersman	Hiott	Huggins
Lucas	McCravy	Morgan
D. C. Moss	W. Newton	Oremus
Ridgeway	Rivers	Rose
Sandifer	G. M. Smith	G. R. Smith
Spires	Stringer	Tallon
Taylor	Thayer	Trantham

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Weeks	Wheeler	R. Williams
Willis	Wooten	Yow

Total--45

RECAPITULATION

Total number of Senators voting	31
Total number of Representatives voting.....	<u>99</u>
Grand Total.....	130
Necessary to a choice	66
Of which Rodney E. Druschel received	64
Of which Phillip F. Laughridge received	66

Whereupon, the PRESIDENT announced that the Honorable Phillip F. Laughridge was elected to the Legislative Audit Council Certified Public Accountant Seat for the term to expire June 30, 2025.

Election to the Legislative Audit Council

At-Large Seat

The PRESIDENT announced that nominations were in order to elect an at-large seat to the Legislative Audit Council.

Senator ALEXANDER indicated that Dennis Caldwell and Jane P. Miller had been screened and found qualified to serve and their names were placed in nomination.

On motion of Senator ALEXANDER, with unanimous consent, the name of Dennis Caldwell was withdrawn from consideration.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Jane P. Miller was elected to the Legislative Audit Council at-large seat for the term to expire June 30, 2025.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

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

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Point of Quorum

At 2:01 P.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Martin	Peeler	Rice
Sabb	Scott	Senn
Shealy	Sheheen	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

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

John A. Love, 299 Southgate Court, Pawley's Island, SC 29585

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

Steven C. Pop, 47 Deer Moss Court, Pawley's Island, SC 29585-8170

Doctor of the Day

Senator MARTIN introduced Dr. H. Fritz Butehorn of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator WILLIAMS, at 3:30 P.M., Senator McELVEEN was granted a leave of absence until 5:30 P.M.

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Leave of Absence

On motion of Senator RICE, at 5:52 P.M., Senator SENN was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

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

S. 9 Sens. Climer, Bennett and Grooms
S. 511 Sen. Fanning
S. 870 Sen. Scott
S. 890 Sen. Talley
S. 998 Sen. Fanning
S. 1060 Sen. Davis
S. 1071 Sen. Talley
S. 1077 Sen. M.B. Matthews

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1074 -- Senator Campbell: A SENATE RESOLUTION TO RECOGNIZE MARCH 10, 2020, AS "4-H DAY" IN SOUTH CAROLINA AND TO COMMEND THE 4-H LEADERSHIP TEAM FOR ITS NUMEROUS ACCOMPLISHMENTS AND FOR THE LEADERSHIP THAT IT HAS DEMONSTRATED.

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The Senate Resolution was adopted.

S. 1075 -- Senator Sabb: A SENATE RESOLUTION TO RECOGNIZE MR. JIMMY YOUNG, TO HONOR HIM FOR HIS HARD WORK, DEDICATION, AND COMMITMENT TO THE COMMUNITY OF ST. LUKE AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM CONTINUED BLESSINGS AND SUCCESS IN ALL OF HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1076 -- Senators Scott, Hembree, Campsen, McElveen, Rice, Sheheen, Cromer, Peeler, Shealy, Grooms, Williams, Malloy, Sabb, Campbell, Jackson, Kimpson, McLeod, M. B. Matthews, Allen, Gregory, Setzler, Johnson, Nicholson, Hutto, Reese, Talley, Turner, Harpootlian and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 9, TITLE 58 ENTITLED "BROADBAND

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ACCESSIBILITY ACT" SO AS TO PROVIDE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO AUTHORIZE AND REGULATE THE PROVISION OF BROADBAND INTERNET ACCESS SERVICE BY ELECTRIC COOPERATIVES; TO AMEND SECTION 33-49-20, RELATING TO DEFINITIONS APPLICABLE TO THE "ELECTRIC COOPERATIVE ACT", SO AS TO DEFINE THE TERM "BROADBAND SYSTEM"; TO AMEND SECTION 33-49-150, RELATING TO THE AUTHORITY AND JURISDICTION OF THE OFFICE OF REGULATORY STAFF OVER ELECTRIC COOPERATIVES, SO AS TO VEST THE OFFICE OF REGULATORY STAFF WITH THE AUTHORITY AND JURISDICTION TO CONDUCT INSPECTIONS, AUDITS, AND EXAMINATIONS REGARDING THE COMPLIANCE OF ELECTRIC COOPERATIVES WITH THE PROVISIONS OF THIS ACT; AND TO AMEND SECTION 33-49-250, RELATING TO THE POWERS OF ELECTRIC COOPERATIVES, SO AS TO PROVIDE THAT A COOPERATIVE HAS THE POWER TO WHOLLY OR PARTIALLY OWN, OPERATE, MAINTAIN, CONSTRUCT, INSTALL, AND REPLACE A BROADBAND SYSTEM DIRECTLY OR INDIRECTLY, THROUGH ITSELF OR THROUGH ANOTHER ENTITY INCLUDING, BUT NOT LIMITED TO, A SUBSIDIARY, A CORPORATION, OR A COOPERATIVE OF WHICH IT IS A MEMBER OR AN AFFILIATE.

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Senator SCOTT spoke on the Bill.

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

S. 1077 -- Senators Bennett, McElveen, Martin, Sheheen, Campsen, Rice, Shealy, Climer, Goldfinch, Grooms, Turner, Corbin, Campbell, Alexander, Gregory, Talley, Massey, Malloy, Gambrell, Cash, Davis, Hembree, Johnson, Verdin and M. B. Matthews: A BILL TO AMEND SECTION 44-7-170(B) OF THE 1976 CODE, RELATING TO INSTITUTIONS AND TRANSACTIONS EXEMPT FROM THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, TO EXEMPT THE ESTABLISHMENT OF A SUBSPECIALTY PERINATAL CENTER WITH A NEONATAL INTENSIVE CARE UNIT (LEVEL III) WITHIN A LICENSED HOSPITAL; AND TO AMEND SECTION 44-7-260 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR LICENSURE, TO ALLOW A HOSPITAL LICENSED AS A LEVEL II SPECIAL CARE NURSERY TO ESTABLISH A SUBSPECIALTY PERINATAL CENTER WITH NEONATAL INTENSIVE CARE UNIT (LEVEL III)

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UPON DEMONSTRATING COMPLIANCE WITH SPECIFIED GUIDELINES FOR PERINATAL CARE, AND TO PROVIDE THAT A LEVEL III UNIT MAY PERFORM A NEONATAL TRANSPORT.

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

S. 1078 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF AUGUSTA STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH MAIN STREET "FRED D. GARRETT, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

S. 1079 -- Senators Hutto, Alexander, Allen, Bennett, M. B. Matthews, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, 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 RECOGNIZE WEDNESDAY, FEBRUARY 5, 2020, AS "SUITS AND SNEAKERS DAY" IN SOUTH CAROLINA IN ORDER TO HONOR CANCER PATIENTS, SURVIVORS, AND THEIR FAMILIES AND TO REMEMBER THOSE WHO HAVE LOST THEIR LIVES TO CANCER.

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The Senate Resolution was adopted.

S. 1080 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 9, TITLE 58 ENTITLED "BROADBAND ACCESSIBILITY ACT" SO AS TO PROVIDE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO AUTHORIZE AND REGULATE THE PROVISION OF BROADBAND INTERNET ACCESS SERVICE BY ELECTRIC COOPERATIVES; TO AMEND SECTION 33-49-20, RELATING TO DEFINITIONS APPLICABLE TO THE "ELECTRIC COOPERATIVE ACT", SO AS TO DEFINE

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THE TERM "BROADBAND SYSTEM"; TO AMEND SECTION 33-49-150, RELATING TO THE AUTHORITY AND JURISDICTION OF THE OFFICE OF REGULATORY STAFF OVER ELECTRIC COOPERATIVES, SO AS TO VEST THE OFFICE OF REGULATORY STAFF WITH THE AUTHORITY AND JURISDICTION TO CONDUCT INSPECTIONS, AUDITS, AND EXAMINATIONS REGARDING THE COMPLIANCE OF ELECTRIC COOPERATIVES WITH THE PROVISIONS OF THIS ACT; AND TO AMEND SECTION 33-49-250, RELATING TO THE POWERS OF ELECTRIC COOPERATIVES, SO AS TO PROVIDE THAT A COOPERATIVE HAS THE POWER TO WHOLLY OR PARTIALLY OWN, OPERATE, MAINTAIN, CONSTRUCT, INSTALL, AND REPLACE A BROADBAND SYSTEM DIRECTLY OR INDIRECTLY, THROUGH ITSELF OR THROUGH ANOTHER ENTITY INCLUDING, BUT NOT LIMITED TO, A SUBSIDIARY, A CORPORATION, OR A COOPERATIVE OF WHICH IT IS A MEMBER OR AN AFFILIATE.

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

S. 1081 -- Senator Harpootlian: A BILL TO AMEND SECTION 44-34-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN RESTRICTIONS ON LOCATIONS OF TATTOO FACILITIES, SO AS TO ALLOW THE ISSUANCE OF A LICENSE FOR SUCH A FACILITY IF ALL CHURCHES, SCHOOLS, AND PLAYGROUNDS WITHIN THE PARAMETERS AFFIRMATIVELY STATE THAT THEY DO NOT OBJECT TO THE ISSUANCE, WITH EXCEPTIONS.

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

S. 1082 -- Senator Campsen: A SENATE RESOLUTION TO CONGRATULATE THE MOUNT PLEASANT TRACK CLUB AND COACHES ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR THEIR STELLAR PERFORMANCE AT THE USA TRACK & FIELD JUNIOR OLYMPIC CROSS COUNTRY CHAMPIONSHIPS.

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The Senate Resolution was adopted.

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S. 1083 -- Senator Kimpson: A JOINT RESOLUTION TO PROVIDE THAT A REGISTERED ELECTOR WHO CASTS A BALLOT IN A PRESIDENTIAL PREFERENCE PRIMARY OF A CERTIFIED POLITICAL PARTY MAY CAST A FUTURE BALLOT IN THE PRESIDENTIAL PREFERENCE PRIMARY OF ONLY THAT CERTIFIED POLITICAL PARTY, AND TO PROVIDE A SUNSET PROVISION.

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Senator KIMPSON spoke on the Resolution.

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

S. 1084 -- Senator Grooms: A BILL TO AMEND ARTICLE 3, CHAPTER 25, TITLE 57 OF THE 1976 CODE, RELATING TO THE HIGHWAY ADVERTISING CONTROL ACT, BY ADDING SECTION 57-25-187, TO PROVIDE THAT AN OWNER OF AN OUTDOOR ADVERTISING SIGN SHALL HAVE THE OPTION TO RELOCATE OR ADJUST THE SIGN IF THE SIGN IS OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER, TO PROVIDE THAT THE COST OF RELOCATING OR ADJUSTING THE SIGN SHALL BE PAID BY THE ENTITY RESPONSIBLE FOR THE CONSTRUCTION OF THE SOUND BARRIER, AND TO PROVIDE THAT A LOCAL GOVERNMENT SHALL PROVIDE COMPENSATION IF THE DEPARTMENT OF TRANSPORTATION ISSUES AN ENCROACHMENT PERMIT TO THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF A SOUND BARRIER WITHIN A HIGHWAY RIGHT-OF-WAY; AND TO AMEND SECTION 57-25-190 OF THE 1976 CODE, RELATING TO COMPENSATION FOR THE REMOVAL OF SIGNS AND RELOCATION OF SIGNS AFFECTED BY HIGHWAY PROJECTS, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY JUST COMPENSATION UPON THE REMOVAL OF AN OUTDOOR ADVERTISING SIGN IF THE VISIBILITY OR READABILITY OF THE SIGN HAS BEEN OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER WITHIN THE HIGHWAY RIGHT-OF-WAY.

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

S. 1085 -- Senators Williams, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J.

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Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Young: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG UNITED STATES HIGHWAY 501 BYPASS IN MARION COUNTY WHICH CROSSES UNITED STATES HIGHWAY 76 "PFC MICHAEL SHAWN LATU MEMORIAL BRIDGE" AND ERECT SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

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

S. 1086 -- Senator Turner: A SENATE RESOLUTION TO CONGRATULATE LLOYD SAMUEL GREEN, SR., OF MAULDIN ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

H. 4209 -- Reps. White, Trantham, Hiott, Kirby, R. Williams, Jefferson, Atkinson, Johnson, Hardee, B. Newton, Henegan, Forrest and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-1-165 SO AS TO CREATE THE "SOUTH CAROLINA FARM AID FUND" TO ASSIST FARMERS WHO HAVE SUFFERED AT LEAST A FORTY PERCENT LOSS OF AGRICULTURAL COMMODITIES AS A RESULT OF A CATASTROPHIC WEATHER EVENT, TO PROVIDE THAT THE FUND MUST BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE, TO CREATE A FARM AID ADVISORY BOARD TO MAKE RECOMMENDATIONS, AND TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS.

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

H. 4737 -- Reps. Huggins, Rutherford, Wooten, Forrest, Wheeler, Hixon, Hill, R. Williams, Jefferson and Calhoon: A BILL TO AMEND SECTION 50-21-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO INCREASE DISTANCE LIMITS BETWEEN A WATERCRAFT OPERATING IN EXCESS OF IDLE SPEED UPON

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CERTAIN WATERS OF THIS STATE AND A MOORED OR ANCHORED VESSEL, WHARF, DOCK, BULKHEAD, PIER, OR PERSON IN THE WATER.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 5018 -- Reps. Hiott, Kirby, R. Williams, Jefferson and Forrest: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-23-125, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO TRANSMIT CERTAIN DOCUMENTS ELECTRONICALLY FOR A CERTIFICATE OF TITLE, TO ALLOW FOR THE COLLECTION OF AN ELECTRONIC TRANSMISSION FEE, AND TO REQUIRE THE USE OF AN ELECTRONIC LIEN SYSTEM FOR BUSINESSES AND LENDERS ENGAGED IN THE SALE OF WATERCRAFT AND OUTBOARD MOTORS OR THE FINANCING OF WATERCRAFT OR OUTBOARD MOTORS; AND TO AMEND SECTION 50-23-140, RELATING TO THE PRIORITY AND VALIDITY OF LIENS UPON A CERTIFICATE OF TITLE FOR A WATERCRAFT OR OUTBOARD MOTOR, SO AS TO ALLOW FOR THE RETENTION OR DISCHARGE OF A LIEN ELECTRONICALLY.

Read the first time and referred to the Committee on Fish, Game and Forestry.

REPORTS OF STANDING COMMITTEES

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 9 -- Senators Peeler, Johnson, Rice, Gregory, Turner, Climer, Bennett and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN IT IS LAWFUL TO DRIVE A VEHICLE IN THE LEFT LANE OF AN INTERSTATE HIGHWAY, AND TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A TRAFFIC TICKET MAY BE ISSUED FOR THE VIOLATION OF THIS PROVISION.

Ordered for consideration tomorrow.

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

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

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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.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 883 -- Senators Cromer, Setzler, Massey, Jackson and Shealy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

Ordered for consideration tomorrow.

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

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

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THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3695 -- Reps. Calhoon, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten, Hill and Jones: A BILL TO AMEND SECTION 56-3-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO PROVIDE THAT FOR THE SOLE PURPOSE OF DETERMINING HIGH MILEAGE TAX DEDUCTIONS, MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES SHALL BE CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES.

Ordered for consideration tomorrow.

Appointments Reported

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

Statewide Appointments

Initial Appointment, Director, South Carolina Department of Natural Resources, serves at the pleasure of the Board

Robert H. Boyles, Jr., 601 Coral Street, Mt. Pleasant, SC 29464 VICE Alvin Taylor

Received as information.

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2018, and to expire July 1, 2022

2nd Congressional District:

Michael E. Hutchins, 1 Panorama Drive, Lexington, SC 29072

Received as information.

Motion to Ratify Adopted

At 2:15 P.M., Senator ALEXANDER made a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time Thursday, February 6, 2020.

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The motion was adopted and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., February 5, 2020

Mr. President and Senators:

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

S. 996 -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC UTILITIES REVIEW COMMITTEE SHALL EXTEND THE SCREENING FOR CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO PROVIDE FOR ADVERTISEMENT FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD AND FOR CERTAIN PROCESS REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020, THROUGH NOON ON FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER; AND TO PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS MAY BE RELEASED.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

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

Amendment No. 30

Senators MARTIN and SHEALY proposed the following amendment (WAB\419C249.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 50. A., pages 67-68, by deleting Section 59-1-425(A) and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

The amendment was adopted.

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Amendment No. 31

Senator SENN proposed the following amendment (419R043.SP.SS), which was adopted:

Amend the bill, as and if amended, page 59, SECTION 42, by striking lines 15-28 and inserting:

/ “Section 59-5-63. (A)(1) The State Board of Education shall ~~promulgate regulations directing~~ adopt and revise, as necessary, a policy that each local school board must use to develop and implement a plan that directs the principal of each elementary school having ~~grades one kindergarten~~ through six the fifth grade to provide at least thirty minutes of duty-free time on each regular school day to all full-time teachers who are assigned to a classroom. In addition to elementary schools, a principal shall provide to any teacher who is responsible for instructing a student who is removed from the general education setting for more than forty percent of the day at least thirty minutes of duty-free time on each regular school day ~~to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984-85 school year.~~ /

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

The amendment was adopted.

Amendment No. 32

Senator MASSEY proposed the following amendment (419R045.SP.ASM), which was adopted:

Amend the bill, as and if amended, PART VI, page 61, line 20, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 59-24-10 of the 1976 Code is amended to read:

“Section 59-24-10. ~~Beginning with the school year 1999-2000, before permanent appointment as a principal for an elementary school, secondary school, or career and technology center, a person must be assessed for instructional leadership and management capabilities by the Leadership Academy of the South Carolina Department of Education. A district may appoint a person on an interim basis until the assessment is~~

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~~completed. A report of this assessment must be forwarded to the district superintendent and board of trustees. The provisions of this section do not apply to a person currently employed as principal on the effective date of this section or to a person hired as principal before the beginning of school year 1999-2000. Any person hired to serve for the first time as a principal or assistant principal must participate and successfully complete an induction program facilitated by the State Department of Education, as provided by regulation. A report of completion must be provided to the district superintendent and the local school board of trustees.” /~~

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Amendment No. 33A

Senator BENNETT proposed the following amendment (419R063.SP.SB), which was adopted:

Amend the bill, as and if amended, PART IV, Scholarships and Tuition Assistance, page 40 by striking lines 23-40. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

The amendment was adopted.

ACTING PRESIDENT PRESIDES

Senator CLIMER assumed the Chair.

Amendment No. 34

Senators HEMBREE, KIMPSON and BENNETT proposed the following amendment (419R041.SP.GH), which was adopted:

Amend the bill, as and if amended, by striking SECTION 45 in its entirety and inserting:

/SECTION 45. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create a ~~school~~ schools of ~~choice~~ innovation within the district that ~~is~~ are exempt

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from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by a two-thirds affirmative vote of the State Board of Education.

(2) Nothing in this section permits the local school district board of trustees to relinquish control of the schools created pursuant to item (1).” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator FANNING spoke on the amendment.

The amendment was adopted.

PRESIDENT PRESIDES

At 3:07 P.M., the PRESIDENT assumed the Chair.

Amendment No. 35

Senator HEMBREE proposed the following amendment (419R047.SP.GH), which was carried over:

Amend the bill, as and if amended, by striking PART III and inserting:

/PART III

Read to Succeed Initiative

SECTION __. Section 59-155-180(C)(4) and (5) of the 1976 Code are amended to read:

~~(4) Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements~~ The board is

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authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of kindergarten through the twelfth grade, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program. Inservice hours earned through professional development ~~for the literacy teacher endorsement~~ must be used for renewal of teaching certificates in all subject areas. ~~The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand-alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add-on certificate.~~

(5) ~~Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in~~

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~~the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate~~ Early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was carried over.

Amendment No. 36

Senator CROMER proposed the following amendment (419R051.SP.RWC), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, page 39, by striking lines 22-23 and inserting:

/B. The provisions of this SECTION do not apply to students in the senior class of the 2023-2024 School Year. /

Amend the bill further, as and if amended, page 42, by striking lines 21-22 and inserting:

/C. The provisions of this SECTION do not apply to students in the senior class of the 2023-2024 School Year. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

The amendment was carried over.

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Amendment No. 39

Senator SHEALY proposed the following amendment (419R055.SP.KS), which was carried over:

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

/SECTION __. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-120. All fees and costs associated with a teacher certification or recertification provided for in this chapter shall be paid for by the State Department of Education. The State Department of Education shall include these projected costs in its annual budget request for the annual general appropriations bill.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY spoke on the amendment.

The amendment was carried over.

Amendment No. 41

Senator FANNING proposed the following amendment (WAB\419C049.SM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-5-10(B)(1), as contained in SECTION 2. A., by deleting the item and inserting:

/ (1) In addition to the members of the board provided in subsection (A), the board shall include four nonvoting advisory members appointed by the Governor to consist of:

(a) two public school students who shall serve a one-year term, one of whom must attend a school located in a Tier III or Tier IV county as designated in Section 12-6-3360, provided that:

(i) a member may not serve if he discontinues attending public school in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school student; and

(b) two former State Teachers of the Year, each of whom shall serve a two-year term, provided that a vacancy must be filled for the remainder of the term by another former State Teacher of the Year. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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The amendment was adopted.

Amendment No. 42

Senator FANNING proposed the following amendment (WAB\419C220.SM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-5-10(B)(1)(a), as contained in SECTION 2. A., by deleting the subitem and inserting:

/ (a) two public school students who shall serve a one-year term, one of whom must be the elected student governor of Boys State of South Carolina and the other must be the elected student governor of Girls State of South Carolina, provided that:

(i) a member may not serve if he discontinues attending public school in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school student; and/

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was carried over.

Amendment No. 43

Senator FANNING proposed the following amendment (WAB\419C050.SM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-5-10(B)(1)(a), as contained in SECTION 2. A., by deleting the item and inserting:

/ (a) two public school students who shall serve a one-year term, one of whom must attend a school located in a Tier III or Tier IV county as designated in Section 12-6-3360, provided that:

(i) one student must be in the sixth, seventh, or eighth grade at the time of appointment;

(ii) one student must be in the ninth, tenth, eleventh, or twelfth grade at the time of appointment;

(iii) a member may not serve if he discontinues attending public school in this State; and

(iv) a vacancy must be filled for the remainder of the term by another public school student; /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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The amendment was carried over.

ACTING PRESIDENT PRESIDES

Senator TURNER assumed the Chair.

Amendment No. 44

Senator FANNING proposed the following amendment (WAB\419C051.SM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-5-10(B)(1)(b), as contained in SECTION 2. A., by deleting the item and inserting:

/ (b) two public school teachers, each of whom shall serve a three-year term, provided that:

(i) one teacher must be a member of the South Carolina Education Association;

(ii) one teacher must be a member of the Palmetto State Teacher Association; and

(iii) a vacancy must be filled for the remainder of the term by another former State Teacher of the Year./

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

PRESIDENT PRESIDES

At 5:05 P.M., the PRESIDENT assumed the Chair.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 22; Nays 20

AYES

Alexander	Bennett	Campbell
Campsen	Corbin	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Leatherman	Loftis
Malloy	Massey	Peeler
Rice	Shealy	Sheheen
Turner	Verdin	Williams
Young		

Total--22

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NAYS

Allen	Cash	Cromer
Davis	Fanning	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Martin	<i>Matthews, Margie</i>
McLeod	Nicholson	Rankin
Reese	Sabb	Scott
Setzler	Talley	

Total--20

The amendment was laid on the table.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

Amendment No. 45

Senator FANNING proposed the following amendment (WAB\419C052.SM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-5-10(B)(2), as contained in SECTION 2. A., by deleting the item and inserting:

/ (2) A person may serve no more than three years as a nonvoting advisory member. A nonvoting advisory member may not serve as a chairman of the board. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 46

Senator FANNING proposed the following amendment (WAB\419C219.SM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-5-10(B)(1)(b), as contained in SECTION 2. A., by deleting the subitem and inserting:

/ (b) the immediate past State Teacher of the Year who shall serve a one-year term, provided that any vacancy in this seat must be filled for the remainder of the term by another former State Teacher of the Year. /

Renumber sections to conform.

Amend title to conform.

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Senator FANNING spoke on the amendment.

The amendment was carried over.

Amendment No. 47

Senator FANNING proposed the following amendment (WAB\419C053.SM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-5-10(C), as contained in SECTION 2.A., by deleting the subsection.

Amend the bill further, by deleting SECTION 2.B.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 24; Nays 19

AYES

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

Total--24

NAYS

Allen	Cromer	Davis
Fanning	Harpootlian	Jackson
Johnson	Kimpson	Malloy
Martin	<i>Matthews, Margie</i>	McLeod
Nicholson	Reese	Sabb

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Scott
Williams

Setzler

Sheheen

Total--19

The amendment was laid on the table.

PRESIDENT PRESIDES

At 6:27 P.M., the PRESIDENT assumed the Chair.

Amendment No. 48

Senator FANNING proposed the following amendment (WAB\419C054.SM.WAB20), which was tabled:

Amend bill, as and if amended, Section 59-5-10(C), as contained in SECTION 2.A., by deleting the subsection and inserting:

/ (C) In consultation with the Education and Economic Development Act Coordinating Council and the State Superintendent of Education, the board annually shall provide a comprehensive report to the Governor and the General Assembly before December first that specifically identifies key benchmarks within the zero-to-twenty education and workforce pipeline for measuring the progress of the Education Oversight Committee's efforts to meet those benchmarks. The board, through the State Superintendent of Education, shall provide recommendations regarding the future need of having two state agencies, the State Department of Education and the Education Oversight Committee, or whether the State would be better served by dissolving the Education Oversight Committee, thereby streamlining the education bureaucracy in this State." /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 34; Nays 8

AYES

Alexander
Campsen

Bennett
Cash

Campbell
Climer

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Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	McElveen	Nicholson
Peeler	Rankin	Rice
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--34

NAYS

Allen	Fanning	Jackson
<i>Matthews, Margie</i>	McLeod	Reese
Sabb	Scott	

Total--8

The amendment was laid on the table.

Amendment No. 49

Senator FANNING proposed the following amendment (WAB\419C055.SM.WAB20), which was adopted:

Amend the bill, as and if amended, Section 59-5-10(C), as contained in SECTION 2.A., by deleting the subsection and inserting:

/ (C) In consultation with the Education and Economic Development Act Coordinating Council and the State Superintendent of Education, the board shall provide a comprehensive report to the Governor and the General Assembly before December first of every even-numbered year that specifically identifies key benchmarks within the zero-to-twenty education and workforce pipeline for measuring the progress of state agencies' and other publicly funded entities' efforts to meet those benchmarks. The board, through the State Superintendent of Education, shall provide recommendations regarding ways that state and local efforts can be improved, ways that collaboration and cooperation among state and local agencies and resources can be measurably improved, and efforts underway or being considered in other states that address the noted areas of concern. The State Superintendent of

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Education shall also recommend any legislation he considers necessary.”/

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 50

Senator FANNING proposed the following amendment (WAB\419C148.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 3.C., by deleting SECTION 3.C. and inserting:

/ C. Section 59-29-250(C) takes effect August 1, 2022. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 54

Senators DAVIS and YOUNG proposed the following amendment (WAB\419C251.SM.WAB20), which was adopted:

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

/ SECTION __. Chapter 20, Title 59 of the 1976 Code is amended by adding:

“Section 59-20-85. (A) The State Department of Education shall annually publish reports detailing the revenues each school district receives from state, federal, and local sources. The report shall include the top ten statewide revenues sources for each such revenue category. In addition to this revenue information, the department shall publish the amount and percentage each school district expends on classroom instruction. For purposes of this section, ‘classroom instruction’ expenditures must be determined using the most recent accounting categories promulgated by the National Center for Education Statistics.

(B) Annually, the Office of Revenue and Fiscal Affairs, in conjunction with the department, shall publish state, federal, and local revenue sources and per-pupil comparisons for all fifty states. This

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per-pupil funding must be referred to as ‘total per-pupil funding’ for PK-12 public education.

(C) Before the first day of session annually, the State Department of Education shall provide the report in subsection (A) and the Office of Revenue and Fiscal Affairs shall provide the report in subsection (B) to the President of the Senate and the Speaker of the House of Representatives, and they also shall publish these reports on their respective websites.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

The amendment was adopted.

Amendment No. 55

Senator MARTIN proposed the following amendment (419R009.SP.SRM), which was carried over:

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

/SECTION __. Section 59-149-10 of the 1976 Code is amended by adding an appropriately numbered new subsection to read:

“() Eligible resident students enrolled in a particular vocational training program at a two-year public or independent institution may not receive scholarship funds exceeding one hundred fifty percent of the published program length.” /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

The amendment was carried over.

Amendment No. 57

Senator SCOTT proposed the following amendment (419R061.SP.JS), which was adopted:

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

/SECTION __. Section 59-26-40 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() For the purposes of this subsection, coaching is not an extracurricular activity. A school district may not assign an

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extracurricular activity requirement to classroom teachers employed by an induction, annual contract, or continuing contract that is not a natural extension of the scope of their classroom instruction.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the amendment.

The amendment was adopted.

Amendment No. 58

Senator CROMER proposed the following amendment (419R064.SP.RWC), which was adopted:

Amend the bill, as and if amended, page 39, by striking lines 22-23 and inserting:

/B. The provisions of this SECTION do not apply to any senior class student until the 2024-2025 School Year. /

Amend the bill further, as and if amended, page 42, by striking lines 21-22 and inserting:

/C. The provisions of this SECTION do not apply to any senior class student until the 2024-2025 School Year. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

The amendment was adopted.

Amendment No. 59

Senator MARTIN proposed the following amendment (419R060.SP.SRM), which was carried over:

Amend the bill, as and if amended, by striking SECTION 49, relating to school start date, and inserting:

/SECTION 49. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students; to establish the opening date for students; and to establish the school term for the district. ~~The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year, the~~

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~~opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar.~~ Three days of the school term must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days of the school term may be used for preparation of opening of schools and the remaining five days of the school term may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.” /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

The amendment was carried over.

RECESS

At 7:40 P.M., on motion of Senator FANNING, the Senate recessed from business not to exceed 15 minutes.

At 8:06 P.M., the Senate resumed.

Amendment No. 60

Senator SETZLER proposed the following amendment (419NGS1), which was adopted:

Amend the bill, as and if amended, page 20, by striking lines 8-16 and inserting the following:

/ “(a) document the reading and writing assessment and instruction planned for all PK-12 students and the interventions in prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade-level texts. Supplemental instruction ~~shall~~ must be provided by teachers who have a literacy teacher add-on ~~endorsement~~ certification and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or ~~both~~ through any combination of these strategies;”

Renumber sections to conform.

Amend title to conform.

WEDNESDAY, FEBRUARY 5, 2020

Senator SETZLER spoke on the amendment.

The amendment was adopted.

Amendment No. 61

Senator SETZLER proposed the following amendment (WAB\419C254.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 18, page 26, Section 59-155-160(B), by adding an appropriately numbered item to read:

/ () When a student is granted a waiver of retention because the child cannot read at grade level as the result of a parent appeal made pursuant to item (4), the academic performance of the student in fourth grade may not be a factor in the performance evaluation of his fourth grade teachers or any other accountability measures of the teachers. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was adopted.

Amendment No. 62

Senator SETZLER proposed the following amendment (WAB\419C255.SM.WAB20), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 18, Section 59-155-160(B)(4), page 26, by deleting item (4) and inserting:

/ (4) A parent or legal guardian may appeal the decision to retain a student who cannot read at grade level to the district superintendent if there is a compelling reason why the student should not be retained. A district shall provide parents with a notification of retention because the child cannot read at grade level and a description of the parent's right to appeal by a letter sent certified mail, return receipt requested; electronic mail; and telephone call. The district shall document its attempts to comply with all three of these notification requirements and of the parent's responses to each. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal. /

Renumber sections to conform.

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Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was carried over.

Amendment No. 64

Senator SETZLER proposed the following amendment (WAB\419C256.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 18. A., Section 59-155-160(B)(5), page 26, by deleting item (5) and inserting:

/ (5)(a) Each school district superintendent shall annually submit a report including the following information at the school and the district level, for the academic year just completed, to its district board and to the department:

(i) the total number of retention exemptions granted pursuant to this section;

(ii) the number of appeals made and the number of appeals granted pursuant to this section;

(iii) the academic outcome of students pursuant to subsubitems (i) and (ii), including, but not limited to, state English/language arts summative assessment results in grades four through eight; and

(iv) the information in subsubitems (i) through (iii) for the current academic year and the two immediately preceding academic years.

(b) The annual reports required in subitem (a) must be posted in prominent locations on the internet websites of the State Department of Education and the respective school districts. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was adopted.

Amendment No. 66A

Senator SCOTT proposed the following amendment (419R070.SP.JS), which was adopted:

Amend the bill, as and if amended, PART VII, Local School Boards, by adding an appropriately numbered new SECTION to read:

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/SECTION __. A. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59-39-165. Every public school district may establish a mandatory program for each school in the district, which must address issues such as bullying, personal respect, respect for others, principles of harmonious coexistence, discipline, responsibility, and honor.”

B. This SECTION takes effect on August 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the amendment.

Senator MARTIN moved to lay the amendment on the table.

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

Ayes 7; Nays 34

AYES

Cash	Climer	Corbin
Martin	Talley	Turner
Verdin		

Total--7

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Jackson	Johnson
Kimpson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Setzler	Shealy	Williams
Young		

Total--34

The Senate refused to table the amendment.

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The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 62A

Senator SETZLER proposed the following amendment (WAB\419C258.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 18, Section 59-155-160(B)(4), page 26, by deleting item (4) and inserting:

/ (4) A parent or legal guardian may appeal the decision to retain a student who cannot read at grade level to the district superintendent if there is a compelling reason why the student should not be retained. A district shall provide parents with a notification of retention because the child cannot read at grade level and a description of the parent's right to appeal by a letter sent certified mail, return receipt requested; electronic mail; and telephone call. The district shall document its attempts to comply with all three of these notification requirements. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was adopted.

Amendment No. 67

Senators MASSEY, SHEALY, SETZLER and CASH proposed the following amendment (419R059.SP.ASM), which was adopted:

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

/SECTION __. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-125. The State Department of Education shall pay for fees and costs associated with a first-time teacher certification as provided in Section 59-26-30 not to exceed five hundred dollars.”

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

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“Section 59-25-60. (A) Based on a public decision of the school board, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district or a charter school, and lead teachers employed in a publicly funded, full-day, four-year-old kindergarten classroom approved by the South Carolina First Steps to School Readiness, may receive a reimbursement of five hundred fifty dollars each school year to offset expenses incurred by them for teaching supplies and materials.

(B) The State Department of Education shall disburse funds to school districts by July fifteenth based on the last reconciled professional certified staff listing from the previous year. With the remaining funds for this program, any deviation in the professional certified staff and actual teacher count shall be reconciled by December thirty-first or as soon as practicable thereafter. Based on the public decision of a school district and no later than May fifteenth annually, the district shall notify all individuals entitled to receive these funds of the manner in which the funds will be disbursed. Funds may be disbursed to teachers by check in a manner separate and distinct from their payroll checks on the first day that teachers, by contract, are required to be in attendance at school for the current contract year, or the funds may be disbursed to teachers by direct deposit as long as the funds are handled in a manner separate and distinct from their payroll checks. The State shall not consider this reimbursement to be taxable income. Special schools include the Governor’s School for Science and Math, the Governor’s School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District.

(C) Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes, then the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district that they have received the allocation for the purchase of teaching supplies or materials and that they have purchased or will purchase supplies or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to the non-retention of receipts in any instances in which a similar instrument is utilized. Any district requiring receipts must notify any teacher who has not submitted receipts between November twenty-fifth and December sixth that he must submit receipts to the district. Districts may

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not add any additional requirement not listed herein related to this reimbursement.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Amendment No. 68

Senator FANNING proposed the following amendment (WAB\419C056.SM.WAB20), which was adopted:

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 74

Senators BENNETT and CLIMER proposed the following amendment (419R069.SP.SMB), which was carried over:

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

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

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

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retention ratios, ~~disciplinary climate~~, dropout ratios, dropout reduction data, dropout retention data, access to technology, student and teacher ratios, and attendance data. Disciplinary climate data must be included in the information contained within the report card, but it cannot be used as an indicator used to measure a school's performance." /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

The amendment was carried over.

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

THIRD READING BILL

S. 988 -- Senator Sheheen: A BILL TO AMEND SECTIONS 1 AND 2 OF ACT 172 OF 1995, RELATING TO THE KERSHAW COUNTY TRANSPORTATION COMMITTEE, TO PROVIDE THAT EACH MEMBER OF THE KERSHAW COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID FROM KERSHAW COUNTY "C" FUND REVENUES NINETY DOLLARS FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, TO PROVIDE THAT THE CHAIRMAN SHALL BE ALLOWED AND PAID FROM KERSHAW COUNTY "C" FUND REVENUES ONE HUNDRED SEVENTY-FIVE DOLLARS FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, AND TO PROVIDE THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS IN ANY SINGLE FISCAL YEAR WHICH VOUCHERS AUTHORIZE PAYMENT FOR MORE THAN EIGHTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE.

On motion of Senator SHEHEEN.

ADOPTED

S. 832 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH GORDON DRIVE TO THE BOWMAN TOWN LIMIT "COUNCILMAN NATHANIEL 'NAY' GAINES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS

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ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

On motion of Senator MATTHEWS, with unanimous consent, the Resolution was adopted, ordered sent to the House.

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

Message from the House

Columbia, S.C., February 5, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

Very respectfully,

Speaker of the House

Received as information.

**H. 3357 -- REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

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

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Senator CAMPBELL spoke on the report.

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

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3357 -- Conference Report

The General Assembly, Columbia, S.C., January 30, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE

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PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 5/7/19 -S.)

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

/ SECTION 1. Article 3, Title 56 of the 1976 Code is amended by adding:

“Section 56-3-115. The Department of Motor Vehicles may add a notation to a private passenger-carrying motor vehicle registration to indicate that the driver may be deaf or hard of hearing. The application for this special motor vehicle registration notation must include an original certificate from a licensed physician, as defined in Section 40-47-5, or licensed audiologist, as defined in Section 40-67-220, that certifies that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears. The ‘deaf or hard of hearing’ notation would only appear when a law enforcement check is run on the vehicle’s license plate through the department’s online interface with law enforcement to alert the officer that the driver may be deaf or hard of hearing.”

SECTION 2. This act takes effect one year after approval by the Governor. /

Amend title to conform.

/s/Sen. Paul G. Campbell Jr.

/s/Sen. Kevin L. Johnson

/s/Sen. David Wesley “Wes” Climer
On Part of the Senate.

/s/Rep. Steven Wayne Long

/s/Rep. Christopher Sloan
Wooten

/s/Rep. Wendy C. Brawley
On Part of the House.

, and a message was sent to the House accordingly.

LOCAL APPOINTMENTS

Confirmations

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

WEDNESDAY, FEBRUARY 5, 2020

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

Steven C. Pop, 47 Deer Moss Court, Pawley's Island, SC 29585-8170

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

John A. Love, 299 Southgate Court, Pawley's Island, SC 29585

Motion Adopted

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

MOTION ADOPTED

On motion of Senator YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Leigh Johnson Snelgrove of North Charleston, S.C. Leigh was a graduate of Aiken High school. She earned a BA in Biology and German from Wofford College and a MAT from the University of South Carolina. She taught at White Knoll, A.C. Flora and the Academic Magnet High School in North Charleston. Leigh was a loving daughter and sister and was a dedicated teacher who will be dearly missed.

ADJOURNMENT

At 9:34 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, February 6, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Hebrews 10: 35-36

“So do not throw away your confidence; it will be richly rewarded. You need to persevere so that when you have done the will of God, you will receive what he has promised.”

Let us pray. Gracious and loving God, You are the source of who we are and what we can become. Indeed we have been blessed beyond measure but sometimes the road we choose to travel is difficult. What Your Word implores us to do is to not give up but rather to persevere. As Samuel Johnson once said, “Great works are performed not by strength but by perseverance.” God wants to do a great work in you -- and calls upon you to take off the mantle of discouragement and put on the armor of God so that perseverance can be your engine and faith your fuel. Through Your holy name we pray, Amen.

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

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4935

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-58-40

SUBJECT: Licensing Criteria

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted February 6, 2020

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Document No. 4941

Agency: Department of Labor, Licensing and Regulation - Building Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

SUBJECT: International Residential Code

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted February 6, 2020

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

Remarks by Senator HUTTO

Governor McMaster's willingness to work with us has not gone unnoticed by me, and I am sure some of you feel the same. When I looked at his proposed budget which includes emphasis on rural areas and on education, I could do nothing but applaud Governor McMaster.

As part of a loyal opposition, there is one thing that I believe needs attention. You will recall that last year Governor McMaster picked his longtime friend, Stephen Morris, to run the Office on Aging. Mr. Morris came before the Senate for confirmation, and by a vote of 41 to 2 we rejected him.

We had concerns over allegations from his employees, who said he made derogatory comments to women and minorities. We heard that the agency that he had been running was in complete turmoil -- disorganized, full of internal conflicts and bickering, and with major staffing issues. His management style was proven to be completely ineffective, and we rejected his nomination. That is what advice and consent of the Senate is all about.

Two days after the rejection, Governor McMaster placed him in that agency to collect a six figure salary until he could place somebody new to submit for the position. Even though we found a mass of problems with Mr. Morris's performance and voted overwhelmingly to ensure he would no longer head the Office on Aging, Governor McMaster couldn't resist doing a favor for one of his buddies. That is a complete undercut of the legislative process, so that his friend could keep collecting a paycheck.

After that, Governor McMaster sent us a qualified candidate that could head the Office on Aging. We vetted her, and she was overwhelmingly

THURSDAY, FEBRUARY 6, 2020

confirmed several weeks ago. We have heard nothing but good things about the way the Office on Aging is working now.

One may think this had ended; however it has not. We now hear that Governor McMaster has given Mr. Morris, who we did not feel was appropriate to run the Office on Aging, a newly created position at Health and Human Services where he is drawing a paycheck of \$111,649. We have agency head positions that are not making that amount.

In essence, an individual who was rejected by the Senate has been put in a position where he can draw a six figure salary and continue to draw retirement. This is exactly what's wrong with our current system.

The Good Old Boy system protecting friends of powerful politicians at the expense of tax-payer money. It keeps agencies inefficient, keeps incompetent people in charge, and undermines democracy.

I think we all agree that it would be much better if we would find qualified people, who are properly vetted and hardworking, to do the important work of our government agencies.

Again for all the good work that Governor McMaster is doing, we appreciate that. However, if we see something with which we disagree, we are not going to hesitate to let the light shine upon it.

On motion of Senator MASSEY, with unanimous consent, the remarks of Senator HUTTO, were ordered printed in the Journal.

CO-SPONSORS ADDED

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

S. 1071 Sen. Grooms
S. 1088 Sen. Campsen

CO-SPONSOR REMOVED

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

S. 1077 Sen. Talley

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 6, 2020, at 11:05 A.M. and the following Joint Resolution was ratified:

(R118, S. 996) -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO REQUIRE THE PUBLIC UTILITIES REVIEW COMMITTEE TO EXTEND THE SCREENING FOR CANDIDATES

THURSDAY, FEBRUARY 6, 2020

FOR THE PUBLIC SERVICE COMMISSION, SEATS 1, 3, 5, AND 7; TO REQUIRE THESE POSITIONS TO BE ADVERTISED FOR AN ADDITIONAL TIME PERIOD AND IN ACCORDANCE WITH CERTAIN PROCEDURAL REQUIREMENTS; TO ACCEPT APPLICATIONS FROM FEBRUARY 3, 2020, THROUGH NOON ON FEBRUARY 28, 2020; TO PROVIDE WHO THE PUBLIC UTILITIES REVIEW COMMITTEE MAY CONSIDER; TO PROVIDE WHEN TRANSCRIPTS FROM PUBLIC HEARINGS MAY BE RELEASED; AND TO PROVIDE INSTRUCTIONS TO THE PUBLIC UTILITIES REVIEW COMMITTEE.

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RECALLED AND COMMITTED

S. 577 -- Senators Reese, Martin and M.B. Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 28, TITLE 44 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF THE "DISABLED SELF-EMPLOYMENT DEVELOPMENT TRUST FUND" TO PROVIDE ASSISTANCE TO INDIVIDUALS WITH DISABILITIES TO PURSUE ENTREPRENEURSHIP AND SELF-EMPLOYMENT OPPORTUNITIES, BY PROVIDING BUSINESS DEVELOPMENT GRANTS FOR THE STARTUP, EXPANSION, OR ACQUISITION OF A BUSINESS OPERATED WITHIN THE STATE; BY ADDING SECTION 12-6-3760 SO AS TO PROVIDE FOR A TAX CREDIT FOR TAXPAYER CONTRIBUTIONS TO THE FUND; AND TO AMEND SECTION 12-6-5060, RELATING TO TAX RETURNS, SO AS TO ADD THE FUND TO THE LIST OF FUNDS TO WHICH A TAXPAYER MAY CONTRIBUTE ON A STATE INDIVIDUAL TAX RETURN.

On motion of Senator VERDIN, with unanimous consent, the Bill was recalled from the Committee on Medical Affairs and committed to the Committee on Finance.

RECALLED AND COMMITTED

H. 4127 -- Reps. Ballentine and Cobb-Hunter: A BILL TO AMEND SECTION 43-21-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT ON AGING'S PHYSICIAN STUDENT LOAN REPAYMENT PROGRAM, SO AS TO CHANGE THE PROGRAM'S ELIGIBILITY REQUIREMENTS.

THURSDAY, FEBRUARY 6, 2020

On motion of Senator SHEALY, with unanimous consent, the Bill was recalled from the Committee on Medical Affairs and committed to the Committee on Family and Veterans' Services.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1087 -- Senators Cash, Rice, Massey, Turner, Climer, Loftis, Goldfinch, Campbell, Corbin, Shealy, Hembree, Gambrell, Talley, Verdin and Cromer: A BILL TO AMEND SECTION 59-39-160 OF THE 1976 CODE, RELATING TO THE REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, TO PROVIDE THAT A STUDENT'S BIOLOGICAL SEX SHALL BE CONCLUSIVE IN A DETERMINATION CONCERNING WHETHER THE STUDENT MAY PARTICIPATE ON A TEAM COMPETING IN AN INTERSCHOLASTIC ACTIVITY THAT IS UNDER THE JURISDICTION OF THE SOUTH CAROLINA HIGH SCHOOL LEAGUE.

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

S. 1088 -- Senators Davis and Campsen: A BILL TO AMEND CHAPTER 5, TITLE 11 OF THE 1976 CODE, RELATING TO THE STATE TREASURER, BY ADDING ARTICLE 5, TO ESTABLISH THE "SOUTH CAROLINA WORK AND SAVE RETIREMENT SAVINGS PLAN", TO ESTABLISH THE "SOUTH CAROLINA RETIREMENT SAVINGS PLAN TRUST", TO PROVIDE THAT THE STATE SHALL ADOPT AND IMPLEMENT THE SOUTH CAROLINA WORK AND SAVE RETIREMENT SAVINGS PLAN, TO PROVIDE DUTIES FOR THE STATE TREASURER, TO PROVIDE CERTAIN EXEMPTIONS FROM LIABILITY, TO PROVIDE THAT CERTAIN GUARANTEES MAY NOT BE MADE, TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION, TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT OR A MEMORANDUM OF UNDERSTANDING WITH CERTAIN AGENCIES, TO PROVIDE THAT THE STATE TREASURER MAY USE PROGRAM MANAGERS, TO ESTABLISH THE "SOUTH CAROLINA WORK AND SAVE ADMINISTRATIVE FUND", TO PROVIDE THAT THE STATE TREASURER SHALL MAINTAIN AN ACCURATE ACCOUNT OF CERTAIN ACTIVITY,

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TO PROVIDE FOR SEVERABILITY, AND TO DEFINE NECESSARY TERMS.

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

S. 1089 -- Senator Sheheen: A BILL TO AMEND SECTION 41-18-30(D)(1) OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF AND EXCEPTIONS TO THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, TO PROVIDE THAT ONLY PERSONS AGE FIFTEEN OR ABOVE WHO HOLD A VALID REGULAR DRIVER'S LICENSE, CONDITIONAL LICENSE, OR SPECIAL RESTRICTED LICENSE ARE ALLOWED TO OPERATE SUPER-KARTS; AND TO DEFINE NECESSARY TERMS.

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

S. 1090 -- Senator Turner: A BILL TO AMEND ARTICLE 11, CHAPTER 31, TITLE 33 OF THE 1976 CODE, RELATING TO MERGERS UNDER THE SOUTH CAROLINA NONPROFIT CORPORATION ACT, BY ADDING SUBARTICLE B, TO PROVIDE FOR THE CONVERSION OF A NONPROFIT CORPORATION TO A LIMITED LIABILITY COMPANY, REQUIREMENTS FOR A PLAN OF CONVERSION, AND THE EFFECT OF CONVERSION; AND TO AMEND SECTION 33-31-1101 OF THE 1976 CODE, RELATING TO THE APPROVAL OF A PLAN OF MERGER UNDER THE SOUTH CAROLINA NONPROFIT CORPORATION ACT, SECTION 33-31-1102 OF THE 1976 CODE, RELATING TO LIMITATIONS ON MERGERS BY PUBLIC BENEFIT OR RELIGIOUS CORPORATIONS, AND SECTION 33-11-101 OF THE 1976 CODE, RELATING TO MERGERS FOR CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS, TO MAKE CONFORMING CHANGES.

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

THURSDAY, FEBRUARY 6, 2020

S. 1091 -- Senator Verdin: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF C.W. "BILL" HOGAN OF CLINTON AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

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".

Read the first time and referred to the Committee on Fish, Game and Forestry.

THURSDAY, FEBRUARY 6, 2020

H. 5098 -- Reps. Clemmons, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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, 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 EXPRESS PROFOUND SORROW AND EXTEND DEEPEST SYMPATHY TO THE PEOPLE OF OMAN IN THE DEATH OF SULTAN QABOOS BIN SAID, TO RECOGNIZE AND HONOR SULTAN HAITHAM BIN TARIQ AL SAID, WISH HIM SUCCESS IN HIS FUTURE ENDEAVORS AS THE SULTAN OF OMAN, AND TO EXPRESS GRATITUDE FOR AND HOPE TO CONTINUE THE STRONG RELATIONSHIP BETWEEN THE UNITED STATES AND OMAN THAT HAS BEEN IN PLACE SINCE 1790.

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

H. 5105 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, 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.

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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 CONGRATULATE WILLIAM HENRY WILLIAMS, JR., OF COLUMBIA ON THE OCCASION OF HIS SEVENTY-FIFTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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

H. 5106 -- Reps. Howard, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, 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 CONGRATULATE ESTHER RUTH BUTLER SIMS OF RICHLAND COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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

THURSDAY, FEBRUARY 6, 2020

Message from the House

Columbia, S.C., February 6, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

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 SECOND TIME

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, 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 the consideration of the Bill.

Senator CORBIN proposed the following amendment (ZW\4944C002.CC.ZW20), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety after the enacting words and inserting:

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/ SECTION 1. Section 7-7-490 of the 1976 Code is amended to read:

“Section 7-7-490. (A) In Spartanburg County there are the following voting precincts:

Abner Creek Baptist
Anderson Mill Baptist
Anderson Mill Elementary
Apalache Baptist
Arcadia Elementary
Beaumont Methodist
Beech Springs Intermediate
Ben Avon Methodist
Bethany Baptist
Bethany Wesleyan
Boiling Springs Elementary
Boiling Springs High School
Boiling Springs Intermediate
Boiling Springs Jr. High
Boiling Springs 9th Grade
Broome High School
Canaan
Cannons Elementary
Carlisle Fosters Grove
Carlisle Wesleyan
Cavins Hobbysville
C.C. Woodson Recreation
Cedar Grove Baptist
Chapman Elementary
Chapman High School
Cherokee Springs Fire Station
Chesnee Elementary
Cleveland Elementary
~~Cliffdale Elementary~~
Converse Fire Station
Cooley Springs Baptist
Cornerstone Baptist
Cowpens Depot Museum
Cowpens Fire Station
Croft Baptist
Cross Anchor Fire Station
Cudd Memorial

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D. R. Hill Middle School
Daniel Morgan Technology Center
Drayton Fire Station
Duncan United Methodist
Eastside Baptist
Ebenezer Baptist
Enoree First Baptist
E.P. Todd Elementary
Fairforest Elementary
Fairforest Middle School
Gable Middle School
Glendale Fire Station
Gramling Methodist
Greater St. James
Hayne Baptist
Hendrix Elementary
Holly Springs Baptist
Hope
Jesse Bobo Elementary
Jesse Boyd Elementary
Lake Bowen Baptist
Landrum High School
Landrum United Methodist
Lyman Elementary
Lyman Town Hall
Mayo Elementary
Morningside Baptist
Motlow Creek Baptist
Mt. Calvary Presbyterian
Mt. Moriah Baptist
Mt. Zion Full Gospel Baptist
Oakland Elementary
Pacolet Elementary School
Park Hills Elementary
Pauline Glenn Springs Elementary
Pelham Fire Station
Poplar Springs Fire Station
Powell Saxon Una
R.D. Anderson Vocational
~~Rebirth Missionary Baptist~~
Reidville Elementary

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Reidville Fire Station
River Ridge Elementary
Roebuck Bethlehem
Roebuck Elementary
Southside Baptist
Spartanburg High School
Startex Fire Station
St. John's Lutheran
Swofford Career Center
Travelers Rest Baptist
Trinity Methodist
Trinity Presbyterian
Victor Mill Methodist
Wellford Fire Station
Holy Communion
West View Elementary
White Stone Methodist
Whitlock Jr. High
Woodland Heights Recreation Center
Woodruff Elementary
Woodruff Fire Station
Woodruff Leisure Center

(B) Precinct lines defining the precincts in subsection (A) are as shown on the official map on file with the Revenue and Fiscal Affairs Office, and as shown on copies provided to the Board of Voter Registration and Elections of Spartanburg County by the Revenue and Fiscal Affairs Office designated as document ~~P-83-17~~ P-83-20A.

(C) Polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Spartanburg County with the approval of a majority of the Spartanburg County Legislative Delegation.”

SECTION 2. This act takes effect March 15, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

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

THURSDAY, FEBRUARY 6, 2020

Motion Adopted

Senator MASSEY moved that when the Senate adjourns today, it stand adjourned to meet at 12:00 Noon on Tuesday, February 11, 2020. The motion was adopted.

MOTION ADOPTED

On motion of Senator TALLEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Keegan Johnson of Spartanburg, S.C. Keegan was a football player at Dorman High School. He was a fun-loving young man who loved football and baseball. Keegan was a loving son and brother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William R. "Bill" Clyburn of Camden, S.C. Bill served in the United States Army. He also served as coroner of Kershaw County, Mayor of the Town of Kershaw, S.C. House of Representatives and was past president of the Shrine Club and Chamber of Commerce. Bill was a lifetime member and elder of Kershaw Evangelical Presbyterian Church. He owned and operated Bill Clyburn Chevrolet and Bill Clyburn Realty of Kershaw. Bill was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 11:16 A.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 7, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SETZLER.

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Brent Judson Powell of West Union, S.C. Brent loved people and sharing his great smile, hugs and sense of humor. He enjoyed attending gospel singings, church services and community club meetings. Brent was a loving brother and devoted uncle who will be dearly missed.

ADJOURNMENT

At 11:04 A.M., on motion of Senator McELVEEN, the Senate adjourned to meet next Tuesday, February 11, 2020, at 12:00 Noon.

* * *

Tuesday, February 11, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Proverbs 3:5-6

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

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

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

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

Point of Quorum

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

Call of the Senate

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

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

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

A quorum being present, the Senate resumed.

Doctor of the Day

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

Leave of Absence

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

Leave of Absence

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

Leave of Absence

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

Leave of Absence

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

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

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

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

RECALLED AND ADOPTED

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

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

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

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

There was no objection.

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

On motion of Senator ALEXANDER, the Resolution was adopted.

RECALLED AND ADOPTED

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

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

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

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

There was no objection.

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

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

RECALLED

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

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1092 -- Senator Verdin: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF EUGENE BEDFORD ROSS OF MARLBORO COUNTY AND EXTEND THEIR

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DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY
AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

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

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

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S. 1094 -- Senator Cromer: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY CLASSIFICATIONS AND ASSESSMENT RATIOS, SO AS TO PROVIDE THAT FOR PURPOSES OF OBTAINING THE SPECIAL FOUR PERCENT ASSESSMENT RATE, A PERSON WHO OWNS AND OCCUPIES A RESIDENCE AS HIS LEGAL RESIDENCE IS DEEMED TO BE DOMICILED AT THAT RESIDENCE IF THE PERSON IS IN THE UNITED STATES ON AN E-2 VISA.

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

S. 1095 -- Senator Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT CAMP ROAD AND RIVERLAND DRIVE "KEN MOORE INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

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

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The Senate Resolution was adopted.

TUESDAY, FEBRUARY 11, 2020

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

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The Senate Resolution was adopted.

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

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The Senate Resolution was adopted.

H. 4743 -- Reps. Fry and Hewitt: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

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

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

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

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

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OCCASION OF THE CHURCH'S HISTORIC ONE HUNDRED SIXTY-SIXTH ANNIVERSARY.

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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

Amendment No. 75

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

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

/ (1) The statewide assessment program must include the subjects of English/language arts, mathematics, and science, ~~and social studies~~ in grades three through eight, as delineated in Section 59-18-320, and end-of-course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, and science, ~~and social studies~~. A student's score on an end-of-year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end-of-course examinations are administered to receive the state high

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school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma. The State Department of Education shall examine how the other forty-nine states have met the current federal ESEA mandate, while reducing state-mandated, standardized assessments. The State Department of Education shall seek to amend South Carolina's ESEA waiver to decrease these assessments accordingly." /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator TALLEY moved to lay the amendment on the table.

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

Ayes 17; Nays 27

AYES

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

Total--17

NAYS

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

Total--27

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The Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 76

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question then was the adoption of the amendment.

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

Ayes 41; Nays 1

AYES

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

Total--41

NAYS

Hembree

Total--1

The amendment was adopted.

Motion Adopted

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

Amendment No. 77A

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

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

ReNUMBER sections to conform.

Amend title to conform.

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Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 29; Nays 13

AYES

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

Total--29

NAYS

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

Total--13

The amendment was laid on the table.

Amendment No. 78

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

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

/ (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in

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reading and mathematics along a common, consistent scale that is nationally recognized and approved by the State Board of Education. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is ready to learn and to help to form instruction, track growth, and identify appropriate resources for students. A local school district shall also provide information on Lexile and Quantile measures on interim or benchmark assessments administered by the local school district or local school during the school year. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 25; Nays 18

AYES

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

Total--25

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	Johnson
Malloy	Martin	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson

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Reese	Sabb	Scott
Setzler	Sheheen	Williams

Total--18

The amendment was laid on the table.

Amendment No. 79

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 80

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

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

/ (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in

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reading and mathematics along a common, consistent scale that is nationally recognized and approved by the Education Oversight Committee. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which skills and concepts a student is ready to learn and to help to form instruction, track growth, and identify appropriate resources for students. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 81

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE spoke on the amendment.

Senator MALLOY spoke on the amendment.

Point of Order

Senator MALLOY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MALLOY spoke on the Point of Order.

Senator HEMBREE spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

Amendment No. 82

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

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

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

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

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district board of trustees must modify the first semester calendar for the purpose of concluding the semester and administering exams prior to December twenty-fourth."

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

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator MARTIN spoke on the amendment.

Senator RANKIN spoke on the amendment.

PRESIDENT PRESIDES

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

Senator MARTIN moved to lay the amendment on the table.

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

Ayes 17; Nays 24

AYES

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

Total--17

NAYS

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

Total--24

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The Senate refused to table the amendment.

Senator FANNING spoke on the amendment.

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

Amendment No. 84

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

The amendment was adopted.

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Amendment No. 85

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

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

Amendment No. 86

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

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

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

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

B. This SECTION takes effect beginning in Fiscal Year 2021-2022. / Renumber sections to conform.

Amend title to conform.

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Senator DAVIS spoke on the amendment.

The amendment was adopted.

Amendment No. 87

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

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

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

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

Re-number sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

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

Amendment No. 88

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

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

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

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

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

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

Amendment No. 89

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

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

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

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

Renumber sections to conform.

Amend title to conform.

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Senator MARTIN spoke on the amendment.

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

Motion Adopted

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

Motion Adopted

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

Amendment No. 90

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

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

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Motion Adopted

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

Amendment No. 91

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

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

Motion Adopted

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

Amendment No. 95

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

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

Renumber sections to conform.

Amend title to conform.

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Senator FANNING spoke on the amendment.

RECESS

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

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

Senator FANNING resumed speaking on the amendment.

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

Amendment No. 96

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

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

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

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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

Amendment No. 97

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Point of Order

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

Senator FANNING spoke to the Point of Order.

Senator SCOTT spoke to the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Point of Quorum

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

Call of the Senate

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

Alexander

Bennett

Cash

Climer

Corbin

Cromer

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

A quorum being present, the Senate resumed.

Motion Adopted

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

Amendment No. 98

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

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

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

Re-number sections to conform.

Amend title to conform.

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

Amendment No. 99

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

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

Re-number sections to conform.

Amend title to conform.

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

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Amendment No. 100

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

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

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

ReNUMBER sections to conform.

Amend title to conform.

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

Amendment No. 101

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

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

ReNUMBER sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 30; Nays 8

AYES

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

TUESDAY, FEBRUARY 11, 2020

Shealy	Talley	Turner
Verdin	Williams	Young

Total--30

NAYS

Allen	Fanning	Harpootlian
Johnson	Malloy	<i>Matthews, John</i>
McLeod	Scott	

Total--8

The amendment was laid on the table.

Amendment No. 102

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 30; Nays 8; Present 1

AYES

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

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Rice	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--30

NAYS

Fanning	Harpootlian	Johnson
Kimpson	Malloy	McLeod
Sabb	Scott	

Total--8

PRESENT

Bennett

Total--1

The amendment was laid on the table.

Motion Under Rule 15A Failed

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

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

Ayes 12; Nays 28

AYES

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

Total--12

NAYS

Allen	Cash	Climer
Corbin	Fanning	Goldfinch
Grooms	Harpootlian	Hutto
Johnson	Kimpson	Loftis
Malloy	Martin	<i>Matthews, John</i>

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<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Rice
Sabb	Scott	Senn
Setzler	Talley	Verdin
Williams		

Total--28

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

RECESS

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

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

Point of Quorum

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

Senator FANNING resumed speaking on the amendment.

Senator MALLOY spoke on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

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

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MOTION ADOPTED

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

ADJOURNMENT

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

* * *

Wednesday, February 12, 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:

In Exodus 32:26 we read that Moses gathered his people and said, "Who is on the Lord's side?"

Let us pray. Dear Lord, today we remember the remarkable life of Abraham Lincoln who was born on February 12, 1809, in a log cabin near Hodgenville, Kentucky. He only had a total 18 months of formal education in his youth, yet he would one day become the 16th President of the United States. He served four years as president during the Civil War and passed the Emancipation Proclamation in 1863, abolishing slavery which had stained our Country's character for generations.

He was not a member of a formal church, but when asked whether the Lord was on his side, he responded, "I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I -- and this nation -- should be on the Lord's side."

The heartfelt concern of President Lincoln and the words of Moses to his people still beckons us today saying, "Who is on the Lord's side?" In Your holy name we pray, Amen.

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

Point of Quorum

At 12:05 P.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Davis	Fanning

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Goldfinch	Gregory	Grooms
Harpootlian	Kimpson	Leatherman
Martin	Massey	Peeler
Rice	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, Secretary of South Carolina Department of Veterans' Affairs, with term coterminous with the Governor

Major General William F. Grimsley, 226 Green Winged Teal Drive S., Beaufort, SC 29907-1053

Referred to the Committee on Family and Veterans' Services.

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.

MOTION ADOPTED

Senator MASSEY moved that, when the Senate stands adjourned on Thursday, February 13, 2020, the Senate would stand adjourned to meet on Tuesday, February 18, 2020, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

There was no objection and the motion was adopted.

Doctor of the Day

Senator JOHN MATTHEWS introduced Dr. William O'Quinn of Branchville, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator M.B. MATTHEWS, at 12:24 P.M., Senator McELVEEN was granted a leave of absence until 3:30 P.M.

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CO-SPONSORS ADDED

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

S. 900 Sen. Senn
S. 1024 Sen. Campsen
S. 1042 Sen. Senn

RECALLED

H. 5148 -- Reps. B. Cox and Elliott: A CONCURRENT RESOLUTION TO PROCLAIM THE YEAR 2020 AS "THE YEAR OF THE EYE EXAM" AND FEBRUARY 20, 2020, AS "EYE HEALTH AWARENESS DAY" IN SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING

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TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

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

S. 1100 -- Senators Young and Hutto: A BILL TO AMEND CHAPTER 7, TITLE 58 OF THE 1976 CODE, RELATING TO SPECIAL PROVISIONS AFFECTING GAS, WATER, OR PIPELINE COMPANIES, BY ADDING ARTICLE 3, TO ESTABLISH PROVISIONS RELATING TO PETROLEUM PIPELINES; TO PROVIDE FOR APPLICATIONS, PERMITTING, AND HEARINGS; TO SET REQUIREMENTS FOR RENDERING FINAL ORDERS; TO PROVIDE FOR REHEARINGS; TO PROMULGATE REGULATIONS; TO ALLOW THE OFFICE OF REGULATORY STAFF TO REQUIRE RECORDS PRODUCTION, TO PROVIDE FOR DISCOVERY, AND TO EMPLOY EXPERT WITNESSES; TO PROVIDE THAT A PETROLEUM PIPELINE COMPANY MAY REQUEST REASONABLE ACCESS TO PROPERTY ON A PROPOSED SITE FOR SURVEY PURPOSES; TO PROVIDE REPORTING REQUIREMENTS FOR A SPILL OR AN ACCIDENTAL RELEASE; TO PROVIDE FOR EMINENT DOMAIN AND HEARINGS BEFORE THE ADMINISTRATIVE LAW COURT; AND TO DEFINE NECESSARY TERMS.

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

S. 1101 -- Senators Turner and Martin: A BILL TO AMEND ACT 745 OF 1967, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, TO REVISE THE MEMBERSHIP OF ITS GOVERNING COMMISSION TO REMOVE ONE MEMBER FROM SPARTANBURG COUNTY AND TO ADD ONE MEMBER FROM GREENVILLE COUNTY, AND TO AMEND THE SERVICE TERRITORY OF REWA'S SERVICE AREA.

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

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S. 1102 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT FOR AN EMPLOYER WHO ESTABLISHES CERTAIN GROUP DISABILITY INCOME PROTECTION PLANS AND TO PROVIDE THAT AN EMPLOYER MAY OFFER TO AUTOMATICALLY ENROLL ELIGIBLE EMPLOYEES IN THE PLAN.

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

S. 1103 -- Senators Young and Hutto: A BILL TO AMEND SECTION 2 OF ACT 205 OF 2016, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, TO EXTEND THE SUNSET PROVISION TO NOVEMBER 30, 2021.

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

S. 1104 -- Senators Shealy, Martin, Young, Bennett, Climer, Rice, Hembree, Cromer, Corbin, Scott, Campbell, Malloy, Turner, Gambrell, Goldfinch, Talley, Verdin, Davis, Allen, Setzler, Johnson, Nicholson, Williams, J. Matthews, M. B. Matthews, McLeod, Gregory and Harpootlian: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, FEBRUARY 25, 2020, AS "SOUTH CAROLINA MILITARY DEPARTMENT DAY" IN THIS STATE AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE SOUTH CAROLINA MILITARY TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

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The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

S. 1105 -- Senator Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF LEIGH JOHNSON SNELGROVE OF CHARLESTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND

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LOVING FAMILY AND HER AMAZING AND SUPPORTIVE FRIENDS.

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The Senate Resolution was adopted.

H. 3066 -- Reps. King, S. Williams, Brawley, Henegan, Jones, Cobb-Hunter, Rivers and McDaniel: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-1-43 SO AS TO PROVIDE FOR THE DESTRUCTION OF ARREST RECORDS OF PERSONS ARRESTED AS A RESULT OF MISTAKEN IDENTITY NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER AN INVESTIGATION BY A LAW ENFORCEMENT OR PROSECUTION AGENCY REVEALS THAT THE PERSON WAS ARRESTED AS A RESULT OF MISTAKEN IDENTITY AND TO PROVIDE THAT THE LAW ENFORCEMENT OR PROSECUTION AGENCY MAY NOT CHARGE OR COLLECT A FEE FOR THE DESTRUCTION OF ARREST RECORDS UNDER THESE CIRCUMSTANCES.

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

H. 5015 -- Reps. Hixon and Forrest: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-3-425 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OBTAIN AND UTILIZE SCHEDULE III NONNARCOTIC AND SCHEDULE IV CONTROLLED SUBSTANCES FOR THE CAPTURE AND IMMOBILIZATION OF WILDLIFE; AND TO AMEND SECTION 47-3-420, RELATING TO METHODS OF EUTHANASIA, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 5062 -- Reps. Ott and Forrest: A BILL TO AMEND SECTION 50-9-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OFFER A LICENSE, PERMIT, OR TAG MADE OF A DURABLE MATERIAL AND TO ESTABLISH A FEE.

Read the first time and referred to the Committee on Fish, Game and Forestry.

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H. 5132 -- Reps. Sandifer, Hosey, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, 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, 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 DECLARE TUESDAY, FEBRUARY 25, 2020, "SOUTH CAROLINA MILITARY DEPARTMENT DAY" IN SOUTH CAROLINA AND TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA MILITARY DEPARTMENT MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 5133 -- Reps. Sandifer and Hosey: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR AN OUTSTANDING GROUP OF SOUTH CAROLINA AIR NATIONAL GUARD AND SOUTH CAROLINA ARMY NATIONAL GUARD SERVICEMEN AND WOMEN WHO HAVE DISTINGUISHED THEMSELVES BY RECEIVING THE 2020 HIGHEST AWARDS FOR EXEMPLARY CHARACTER AND SERVICE AS MEMBERS OF THE SOUTH CAROLINA AIR AND ARMY NATIONAL GUARDS.

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

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H. 5148 -- Reps. B. Cox and Elliott: A CONCURRENT RESOLUTION TO PROCLAIM THE YEAR 2020 AS "THE YEAR OF THE EYE EXAM" AND FEBRUARY 20, 2020, AS "EYE HEALTH AWARENESS DAY" IN SOUTH CAROLINA.

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

REPORTS OF STANDING COMMITTEES

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 716 -- Senator Shealy: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, THE PLEDGE TO THE STATE FLAG, AND OFFICIAL OBSERVANCES, TO PROVIDE FOR THE DESIGNATION OF MARCH OF DIMES DAY.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 865 -- Senators Jackson, Hutto and Shealy: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 892 -- Senators Shealy, Hutto, Jackson and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT" BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE

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CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

S. 1017 -- Senators Shealy and Alexander: A BILL TO AMEND SECTION 43-26-90 OF THE 1976 CODE, RELATING TO BUILDINGS NOT SUBJECT TO CERTAIN PROVISIONS CONCERNING THE OPERATION OF VENDING FACILITIES BY BLIND PERSONS, TO INCLUDE LOCAL DETENTION FACILITIES.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

S. 1027 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10 OF THE 1976 CODE, RELATING TO THE COMMISSION FOR THE BLIND, TO PROVIDE THAT MEETINGS SHALL BE HELD AT LEAST ONCE A QUARTER.

Ordered for consideration tomorrow.

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

H. 4439 -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS "ATOMIC VETERANS DAY" IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., February 12, 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. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD

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BACKGROUND CHECK REQUIREMENTS FOR EACH
EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN
IN FOSTER CARE MAY BE PLACED.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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

Amendment No. 103

Senator FANNING proposed the following amendment (WAB\419C149.SM.WAB20), which was tabled:

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

/ (A) The Palmetto Fellows Scholarship Program is established to foster scholarship among the state's post-secondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount not to exceed ~~six~~ eight thousand seven hundred dollars. These scholarships in combination with all other grants and scholarships shall not exceed the cost of attendance at the institution attended. The commission shall promulgate regulations

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and establish procedures to administer the program and request annual state appropriations for the program./

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

RECESS

At 12:42 P.M., on motion of Senator MASSEY, with unanimous consent and Senator FANNING retaining the floor, the Senate recessed from business.

At 1:46 P.M., the Senate resumed.

Expression of Personal Interest

Senator RANKIN, with unanimous consent and Senator FANNING retaining the floor, rose for an Expression of Personal Interest.

Senator FANNING resumed speaking on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 104

Senator FANNING proposed the following amendment (WAB\419C120.AGM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-149-50(A)(1), as contained in SECTION 20.A., by deleting the item and inserting:

/ (1) To be eligible for a LIFE Scholarship, a student must be either a student who has graduated from a high school located in this State; a student who has completed at least three of the final four years of high school within this State; a home school student who has successfully completed a high school home school program in this State in the manner required by law; a student who has graduated from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. These students also must meet the requirements of subsection (B) and be eligible for in-state tuition and fees as determined

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pursuant to Chapter 112, Title 59 and applicable regulations. In addition, the student must have graduated from high school with a minimum of a 3.0 cumulative grade average on a 4.0 scale and have scored 1100 or better on the Scholastic Aptitude Test (SAT) ~~or have the equivalent ACT score;~~ a score of twenty-two on the SAT or better, provided that, if the student is to attend such a public or independent two-year college or university in this State, including a technical college, the SAT or ACT requirement does not apply. If a student chooses to attend such a public or independent institution of this State and does not make the required SAT or ACT score or the required high school grade point average, as applicable, the student may earn a LIFE Scholarship after his freshman year if he meets the grade point average and semester credit hour requirements of subsection (B). For the purpose of meeting the rank criteria pursuant to this section, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 106

Senator FANNING proposed the following amendment (WAB\419C107.SM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59-149-50(A)(2), as contained in SECTION 20.A., by deleting the item.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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Motion Adopted

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

Amendment No. 107

Senator FANNING proposed the following amendment (WAB\419C113.SM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-149-50(E), as contained in SECTION 20.A., by deleting the subsection and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 33; Nays 7

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Grooms
Hembree	Hutto	Jackson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
Nicholson	Peeler	Rankin
Rice	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--33

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NAYS

Fanning
McLeod
Scott

Johnson
Reese

Matthews, Margie
Sabb

Total--7

The amendment was laid on the table.

Amendment No. 109

Senator FANNING proposed the following amendment (WAB\419C116.SM.WAB20), which was carried over:

Amend the bill, as and if amended, Section 59-150-370(C), as contained in SECTION 20.B., by deleting the subsection and inserting:

/ “(C) ~~A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a must~~ have graduated from high school with a minimum of a 2.75 cumulative grade point average on a 4.0 scale to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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

Amendment No. 113

Senator SETZLER proposed the following amendment (419NGS2), which was adopted:

Amend the bill, as and if amended, page 18, by striking lines 33-41 and inserting the following:

/ / "(a) document the reading and writing assessment and instruction planned for all PK-12 students and the interventions in prekindergarten through twelfth grade to be provided to all students who are substantially not demonstrating reading proficiency and struggling ~~readers~~ who are not able to comprehend grade-level texts. Supplemental instruction must be provided by reading interventionists or teachers with

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a literacy teacher endorsement teachers who have a literacy teacher add-on endorsement and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or both through any combination of these strategies structures;" /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator CROMER, with unanimous consent, Amendment No. 119 was withdrawn.

Amendment No. 114

Senator FANNING proposed the following amendment (WAB\419C259.SM.WAB20), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 38 and inserting:

/ SECTION 38. Section 59-20-50(4)(b) of the 1976 Code is amended by adding an undesignated paragraph at the end to read:

"Beginning with Fiscal Year 2020-2021, the minimum starting teacher salary for a teacher with no years of experience and a bachelor's degree must be at least thirty-five thousand dollars. The General Assembly shall establish the starting teacher salary, the salary schedule, and the Education Finance Act inflation factor each year in the annual appropriations act. Annual salary increases must be based on funding provided by the General Assembly in the annual appropriations act and provided through adjustments in the salary schedule to educators identified by the Department of Education as eligible to receive the Education Improvement Act teacher salary supplement during Fiscal Year 2019-2020 as reported to the Revenue and Fiscal Affairs Office."/

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

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Recorded Vote

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

Amendment No. 115

Senator FANNING proposed the following amendment (WAB\419C260.SM.WAB20), which was tabled:

Amend the bill, as and if amended, SECTION 38. A., Section 59-20-50(4)(b), page 56, line 26, by inserting:

/ All other cells in the salary schedule must be increased by three thousand dollars. / after / Fiscal Affairs Office. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 24; Nays 19

AYES

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

Total--24

NAYS

Allen	Climer	Cromer
Fanning	Harpootlian	Hutto
Jackson	Johnson	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese

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Sabb
Williams

Scott

Setzler

Total--19

The amendment was laid on the table.

Amendment No. 116

Senator FANNING proposed the following amendment (WAB\419C262.SM.WAB20), which was carried over:

Amend the bill, as and if amended, SECTION 38. A., Section 59-20-50(4)(b), page 56, lines 29-38, by deleting:

/ ~~Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Office of Research and Statistic of the Revenue and Fiscal Affairs Office and provided to the General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers' salaries of the southeastern states. In projecting the southeastern average, the office shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay.~~ / and inserting

/ Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Office of Research and Statistic of the Revenue and Fiscal Affairs Office and provided to the General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers' salaries of the southeastern states. In projecting the southeastern average, the office shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay./

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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

Debate was interrupted by adjournment.

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Motion Adopted

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

ADJOURNMENT

At 4:07 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

Thursday, February 13, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 19:14

“Let the words of my mouth and the meditations of my heart be acceptable in your sight, O Lord, my strength and my redeemer.”

Let us pray. Dear Lord, as we turn to You this day, we pray earnestly that the meditations of our hearts will be acceptable in Your sight. But what is acceptable... and on what do we meditate?

The Psalmist proclaims, “Let all that is within me bless Your holy name” (Psalm 103:1). Nothing brings more of a blessing to our Redeemer than a thankful heart -- a heart bursting with gratitude for what You, O Lord, have provided.

Gracious God, we place our finger on our pulse and thank You for the gift of life. We sit down for a meal and thank You for this land of plenty. We go to work and thank You for the people in our lives and the opportunity to be useful and productive. We return home and thank You for the loved ones who await us and the ones that are only a phone call away. With everything that is within us, O Lord, we thank You -- our Creator, Redeemer and Saviour, Amen.

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

Call of the Senate

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Hutto	Kimpson
Leatherman	Malloy	Martin
Massey	Peeler	Rice
Sabb	Senn	Setzler

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Shealy	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

Recorded Presence

Senator GROOMS recorded his presence subsequent to the Call of the Senate.

Leave of Absence

On motion of Senator MARTIN, at 10:42 A.M., Senator CORBIN was granted a leave of absence for today.

Expression of Personal Interest

Senator MASSEY, with unanimous consent, rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 879	Sen. M.B. Matthews
S. 1024	Sens. Gambrell and Jackson
S. 1048	Sen. Alexander
S. 1071	Sen. Peeler
S. 1093	Sen. Goldfinch

RECALLED AND ADOPTED

S. 1104 -- Senators Shealy, Martin, Young, Bennett, Climer, Rice, Hembree, Cromer, Corbin, Scott, Campbell, Malloy, Turner, Gambrell, Goldfinch, Talley, Verdin, Davis, Allen, Setzler, Johnson, Nicholson, Williams, J. Matthews, M.B. Matthews, McLeod, Gregory and Harpootlian: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, FEBRUARY 25, 2020, AS "SOUTH CAROLINA MILITARY DEPARTMENT DAY" IN THIS STATE AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE SOUTH CAROLINA MILITARY TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

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The Resolution was recalled from the Committee on Family and Veterans' Services.

Senator SHEALY 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 SHEALY, the Resolution was adopted.

RECALLED

H. 5098 -- Reps. Clemmons, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, Caskey, Chellis, Chumley, Clary, 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, 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 EXPRESS PROFOUND SORROW AND EXTEND DEEPEST SYMPATHY TO THE PEOPLE OF OMAN IN THE DEATH OF SULTAN QABOOS BIN SAID, TO RECOGNIZE AND HONOR SULTAN HAITHAM BIN TARIQ AL SAID, WISH HIM SUCCESS IN HIS FUTURE ENDEAVORS AS THE SULTAN OF OMAN, AND TO EXPRESS GRATITUDE FOR AND HOPE TO CONTINUE THE STRONG RELATIONSHIP BETWEEN THE UNITED STATES AND OMAN THAT HAS BEEN IN PLACE SINCE 1790.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1106 -- Senator Sheheen: A SENATE RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW PRO BONO PROGRAM UPON THE OCCASION OF ITS THIRTIETH ANNIVERSARY AND TO COMMEND THE PROGRAM, FACULTY LEADERSHIP, AND STUDENTS FOR THEIR MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1107 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL"

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WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK INTO A STATE BANK, SO AS TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING ORGANIZATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL

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INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTER 12, TITLE 34 RELATING TO COUNTY AND MULTI-COUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

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Read the first time and referred to the Committee on Banking and Insurance.

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S. 1108 -- Senator Campbell: A BILL TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 17, TO REQUIRE REGISTRATION FOR FERTILE PIT BULL DOGS, TO ESTABLISH A BREED DETERMINATION PROCEDURE, TO PROVIDE EXCEPTIONS FROM REGISTRATION, AND TO PROVIDE PENALTIES.

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

S. 1109 -- Senator Verdin: A BILL TO AMEND SECTION 47-1-145(C) OF THE 1976 CODE, RELATING TO THE CUSTODY AND CARE OF AN ANIMAL AFTER ARREST AND CUSTODIAL COSTS, TO PROVIDE FOR CIRCUMSTANCES IN WHICH A DEFENDANT IS FOUND GUILTY AND IS ABLE TO RECLAIM THE ANIMAL.

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

S. 1110 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE THE MONTH OF MAY 2020 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO RAISE AWARENESS AND UNDERSTANDING ABOUT MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL INDIVIDUALS WITH MENTAL ILLNESS.

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

S. 1111 -- Senators McElveen, Martin, Sheheen, Shealy, Sabb, Scott, Climer, Gregory, Hutto, Nicholson, Johnson, J. Matthews, Harpootlian, McLeod, Campsen, Massey, Rankin, Jackson, Talley, Rice, Setzler, Young, Davis and Senn: A JOINT RESOLUTION TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS TO ESTABLISH MAXIMUM

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CONTAMINANT LEVELS FOR CERTAIN POLLUTANTS IN
PUBLIC WATER SYSTEMS.

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Senator McELVEEN spoke on the Resolution.

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

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

REPORTS OF STANDING COMMITTEE

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 758 -- Senator Gregory: A BILL TO AMEND SECTION 40-6-240(B) OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR LICENSED AUCTIONEERS, TO PROVIDE THAT A LICENSEE WHO IS SIXTY-FIVE YEARS OLD OR OLDER WITH TWENTY-FIVE YEARS OF LICENSURE MAY APPLY FOR A CONTINUING EDUCATION WAIVER.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 1048 -- Senators Rice, Rankin, Campbell and Alexander: A BILL TO AMEND SECTION 13-1-1030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERS SERVING ON THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT A RESIDENT COMMISSION MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS; AND TO AMEND SECTION 13-1-1050, RELATING TO THE TERMS OF THE AERONAUTICS COMMISSION, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

READ THE SECOND TIME

S. 919 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 7-7-110 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, TO ADD THE

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NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

The Senate proceeded to the consideration of the Bill.

Senator M.B. MATTHEWS explained the Bill.

Motion under Rule 26B

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

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

READ THE SECOND TIME

S. 920 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 7-7-330 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, TO ADD TWO PRECINCTS AND TO REDESIGNATE 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 the consideration of the Bill.

Senator M.B. MATTHEWS explained the Bill.

Motion under Rule 26B

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

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

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READ THE SECOND TIME

S. 867 -- Senator Campsen: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; AND TO PROVIDE THAT SECTIONS 1, 2, AND 3 OF THIS ACT ARE REPEALED ON JANUARY 1, 2021.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

Motion under Rule 26B

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

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

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

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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 SABB explained the House amendments.

Senators SABB and WILLIAMS proposed the following amendment (JUD4411.003), which was adopted:

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

/ SECTION 1. Section 7-7-320 of the 1976 Code, as last amended by Act No. 133 of 2018, is further amended to read:

“Section 7-7-320. (A) In Horry County there are the following voting precincts:

- Adrian
- Allsbrook
- Atlantic Beach
- Aynor
- Bayboro-Gurley
- Brooksville #1
- Brooksville #2
- Brownway
- Burgess #1
- Burgess #2
- Burgess #3
- Burgess #4

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Burgess #5

Carolina Bays

Carolina Forest #1

Carolina Forest #2

Cedar Grove

Cherry Grove #1

Cherry Grove #2

Coastal Carolina

Coastal Lane #1

Coastal Lane #2

Cool Springs

Crescent

Daisy

Deerfield

Dog Bluff

Dogwood

Dunes #1

Dunes #2

Dunes #3

East Conway

East Loris

Ebenezer

Emerald Forest #1

Emerald Forest #2

Emerald Forest #3

~~Enterprise~~

Enterprise #1

Enterprise #2

Forestbrook

Four Mile

Galivants Ferry

Garden City #1

Garden City #2

Garden City #3

Garden City #4

Glenns Bay

Green Sea

Hickory Grove

~~Hickory Hill~~

Homewood

Horry

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Inland
Jackson Bluff
Jamestown
Jernigans X Roads
Jet Port #1
Jet Port #2
Jet Port #3
Jet Port #4
~~Jordanville~~
~~Joyner Swamp~~
Juniper Bay
Lake Park #1
Lake Park #2
Lake Park #3
Leon
Little River #1
Little River #2
Little River #3
Live Oak
Maple
Marlowe #1
Marlowe #2
Marlowe #3
Methodist-Mill Swamp
Mt. Olive
Mt. Vernon
Myrtle Trace
Myrtlewood #1
Myrtlewood #2
Myrtlewood #3
Nixons X Roads #1
Nixons X Roads #2
Nixons X Roads #3
North Conway #1
North Conway #2
Ocean Drive #1
Ocean Drive #2
Ocean Drive #3
Ocean Forest #1
Ocean Forest #2
Ocean Forest #3

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Palmetto Bays
Pawley's Swamp
Pleasant View
Poplar Hill
Port Harrelson
Race Path #1
Race Path #2
Red Bluff
Red Hill #1
Red Hill #2
River Oaks
Salem
Sea Oats #1
Sea Oats #2
Sea Winds
Shell
Socastee #1
Socastee #2
Socastee #3
Socastee #4
~~Spring Branch~~
Surfside #1
Surfside #2
Surfside #3
Surfside #4
Sweet Home
~~Taylorville~~
Tilly Swamp
Toddville
Waccamaw
Wampee
West Conway
West Loris
White Oak
Wild Wing
Windy Hill #1
Windy Hill #2

(B) Precinct lines defining the precincts provided for in subsection (A) are as shown on maps filed with the Board of Voter Registration and Elections of Horry County as provided and maintained by the Revenue and Fiscal Affairs Office designated as document ~~P-51-17~~ P-51-20A.

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(C) Polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Horry County with the approval of a majority of the Horry County Legislative Delegation.”

SECTION 2. This act takes effect March 15, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

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

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointments were confirmed in open session:

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2018, and to expire July 1, 2022

2nd Congressional District:

Michael E. Hutchins, 1 Panorama Drive, Lexington, SC 29072

On motion of Senator CAMPSSEN, the question was confirmation of Michael E. Hutchins.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

The appointment of Michael E. Hutchins was confirmed.

Initial Appointment, Director, South Carolina Department of Natural Resources, serves at the pleasure of the board

Robert H. Boyles, Jr., 601 Coral Street, Mt. Pleasant, SC 29464 *VICE*
Alvin Taylor

On motion of Senator CAMPSSEN, the question was confirmation of Robert H. Boyles, Jr.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash

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Climer	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Robert H. Boyles, Jr. was confirmed.

Motion Adopted

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

ADJOURNMENT

At 11:58 A.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 14, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McELVEEN.

ADJOURNMENT

At 11:04 A.M., on motion of Senator MASSEY, the Senate adjourned to meet next Tuesday, February 18, 2020, under the provisions of Rule 1B.

* * *

Tuesday, February 18, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McLEOD. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

CO-SPONSORS ADDED

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

S. 1024 Sen. Scott

S. 1071 Sen. Senn

ADJOURNMENT

At 11:04 A.M., on motion of Senator SETZLER, the Senate adjourned to meet tomorrow at 12:00 Noon.

* * *

Wednesday, February 19, 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:

Psalm 28:7

“The Lord is my strength and my shield; my heart trusted in him and I am helped; therefore my heart greatly rejoices.”

Let us pray. Providential Lord of history, as we celebrate Presidents Day this week, which concludes with George Washington’s birthday, we remember the words of our first President who said, “Providence has at all times been my only dependence for all other sources seem to have failed us”. Most assuredly Lord, these were dark times for our struggling republic as General Washington fought to throw off the yoke of British rule.

Poorly armed, poorly supplied and without a professionally trained army, our chances for independence were dismal. However General Washington was a man of faith and in the face of seemingly insurmountable odds, he put his dependence on Your divine providential care.

Having established this spiritual foundation for our country, we can now rejoice and humbly proclaim that we are “one nation under God, indivisible, seeking liberty and justice for all.” Amen.

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

Point of Quorum

At 12:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Campsen	Cash

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Corbin	Cromer	Fanning
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Johnson	Leatherman	Malloy
Martin	Massey	Nicholson
Peeler	Rankin	Rice
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

Recorded Presence

Senators GAMBRELL recorded his presence subsequent to the Call of the Senate.

Doctor of the Day

Senator LEATHERMAN introduced Dr. Coleman Buckhouse Smith of Florence, S.C., Doctor of the Day.

Leave of Absence

At 12:30 P.M., Senator McELVEEN requested a leave of absence for Thursday, February 20, 2020.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bill:
S. 1024 Sens. John Matthews, McLeod and Sabb

RECALLED

H. 5008 -- Rep. Oremus: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BELVEDERE CLEARWATER ROAD (SOUTH CAROLINA HIGHWAY 126) IN AIKEN COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH AUGUSTA ROAD (SOUTH CAROLINA HIGHWAY 421) THE "HONORABLE RONALD 'RONNIE' YOUNG MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR

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MARKERS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1112 -- Senator Allen: A SENATE RESOLUTION TO HONOR AND RECOGNIZE HELEN PRIDGEN FOR HER MANY YEARS OF DEDICATED SERVICE TO SUICIDE PREVENTION IN THIS STATE.

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The Senate Resolution was adopted.

S. 1113 -- Senators Cromer, Massey and Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. MELISSA RAWL UPON THE OCCASION OF HER RETIREMENT AS PRINCIPAL OF LEXINGTON HIGH SCHOOL, TO COMMEND HER FOR HER MANY YEARS OF DEDICATED PUBLIC SERVICE TO THE YOUTH OF THIS STATE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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

S. 1114 -- Senator Rice: A SENATE RESOLUTION TO CONGRATULATE W.C. "BUCKY" CRANE, JR. AND EDWINA GARRETT CRANE ON THE OCCASION OF THEIR SEVENTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILMENT.

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The Senate Resolution was adopted.

S. 1115 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS

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THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE'S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE

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BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT

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FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTER 12 OF TITLE 34 RELATING TO COUNTY AND MULTI-COUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1116 -- Senator McLeod: A BILL TO AMEND SECTION 15-41-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO PROVIDE THAT A DEBTOR'S INTEREST IN REAL PROPERTY USED AS A PRIMARY RESIDENCE MAY NOT BE SOLD IF THE ACTION WAS INSTITUTED BY A HOMEOWNERS ASSOCIATION ATTEMPTING TO COLLECT UNPAID DUES, FEES, OR FINES; TO AMEND SECTION 27-30-130, RELATING TO THE ENFORCEABILITY OF A HOMEOWNERS ASSOCIATION'S GOVERNING DOCUMENTS, SO AS TO PROHIBIT THE ENFORCEABILITY OF A PROVISION GRANTING A

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HOMEOWNERS ASSOCIATION THE AUTHORITY TO FORECLOSE ON PROPERTY; AND BY ADDING SECTION 29-3-810 SO AS TO PROHIBIT A FORECLOSURE ACTION NOT AUTHORIZED BY STATUTE.

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

S. 1117 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-376 OF THE 1976 CODE, RELATING TO THE ESTABLISHMENT OF A SYSTEM OF REGISTRATION OF MOTOR VEHICLES ON A MONTHLY BASIS, TO PROVIDE WEIGHT LIMITATIONS FOR VEHICLES FOR WHICH THE BIENNIAL REGISTRATION FEE IS ONE HUNDRED SIXTY DOLLARS OR MORE; TO AMEND SECTION 56-3-660(E) OF THE 1976 CODE, RELATING TO THE REGISTRATION OF LARGE COMMERCIAL MOTOR VEHICLES, TO ALLOW INSTALLMENT PAYMENTS TO BE MADE; TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO VEHICLES THAT THE DEPARTMENT OF MOTOR VEHICLES MAY REGISTER, TO ALLOW THE DEPARTMENT OF MOTOR VEHICLES TO REGISTER CERTAIN COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 56-3-195(A) OF THE 1976 CODE, RELATING TO COUNTIES PROCESSING VEHICLE REGISTRATION AND LICENSING, TO PROVIDE THAT A LARGE COMMERCIAL MOTOR VEHICLE MUST ESTABLISH AN ACCOUNT AND REMIT PAYMENT OF FEES TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 12-37-2650 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF TAX NOTICES, PAID RECEIPTS, AND THE DELEGATION OF TAX COLLECTION, TO PROVIDE THAT THE COUNTY SHALL PREPARE A TAX NOTICE OF CERTAIN VEHICLES THAT ARE OWNED BY THE SAME PERSON AND LICENSED AT THE SAME TIME FOR EACH TAX YEAR WITHIN A TWO-YEAR LICENSING PERIOD; TO AMEND SECTION 12-37-2840 OF THE 1976 CODE, RELATING TO ROAD USE FEES DUE AT THE SAME TIME AS REGISTRATION FEES, TO PROVIDE THAT A MOTOR CARRIER REGISTERING A LARGE COMMERCIAL MOTOR VEHICLE OR BUS MUST PAY THE ROAD USE FEE DUE ON THE VEHICLE TO THE DEPARTMENT OF MOTOR VEHICLES AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST MAKE INSTALLMENT PAYMENTS AVAILABLE TO A CUSTOMER UPON THE CUSTOMER'S REQUEST; TO AMEND SECTION 12-

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37-2850 OF THE 1976 CODE, RELATING TO THE ASSESSMENT OF ROAD USE FEES, TO DELETE AN OBSOLETE PROVISION; TO AMEND SECTION 12-37-2860(F) OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS AND ONE-TIME FEES, TO PROVIDE THAT FEES MAY BE PAID IN INSTALLMENTS; TO AMEND SECTION 12-37-2880 OF THE 1976 CODE, RELATING TO THE FAIR MARKET VALUE OF LARGE COMMERCIAL MOTOR VEHICLES SUBJECT TO A ROAD USE FEE AND CERTAIN VEHICLES AND BUSES EXEMPT FROM CERTAIN TAXES, TO REMOVE REFERENCES TO THE INTERNATIONAL REGISTRATION PLAN; AND TO DEFINE NECESSARY TERMS.

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

S. 1118 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 12, 2020.

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

H. 4702 -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

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

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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.

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

H. 4974 -- Reps. Lucas, Simrill, Rutherford, Pope, McCoy, G. M. Smith, Bannister, Hart, B. Newton, Bales, Forrest, Henderson-Myers, Weeks, Fry, Hixon and Govan: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS AND ADDITIONAL AT-LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT-LARGE CIRCUIT COURT JUDGES FROM SIXTEEN TO SEVENTEEN; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT AND ADDITIONAL AT-LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT-LARGE FAMILY COURT JUDGES FROM EIGHT TO TEN.

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

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.

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

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H. 5222 -- Reps. Hiott, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, 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 RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 22-29, 2020.

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

H. 5233 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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.

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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 COMMEND THE MULTICULTURAL COMMITTEE OF THE KERSHAW COUNTY FINE ARTS CENTER FOR ITS IMPRESSIVE WORK IN CELEBRATING THE MULTICULTURAL HERITAGE OF KERSHAW COUNTY, TO HONOR THE COMMITTEE'S FOUNDING MEMBERS, AND TO CONGRATULATE THE COMMITTEE ON ITS THIRTY-THIRD ANNIVERSARY.

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

H. 5236 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, 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, 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 RECOGNIZE THE UNITED METHODIST CHURCH AS IT CELEBRATES ONE HUNDRED YEARS OF SCOUTING IN THE METHODIST CHURCH AND TO COMMEND THE UNITED METHODIST CHURCH AND THE BOY SCOUTS OF AMERICA FOR THEIR COMMITMENT TO THE CHILDREN AND YOUTH OF OUR NATION.

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

WEDNESDAY, FEBRUARY 19, 2020

H. 5237 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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 RECOGNIZE AND HONOR THE INDIAN WATERS COUNCIL OF THE BOY SCOUTS OF AMERICA FOR THE OUTSTANDING SERVICE PROVIDED BY A MYRIAD OF LEADERS, TO CONGRATULATE THEM AND THEIR SCOUTS FOR A CENTURY OF OUTSTANDING AND MEANINGFUL IMPACT IN THE STATE OF SOUTH CAROLINA, AND TO RECOGNIZE 2020 AS "INDIAN WATERS COUNCIL OF SCOUTING ONE HUNDREDTH ANNIVERSARY YEAR."

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

H. 5238 -- Reps. Funderburk, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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,

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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 RECOGNIZE AND HONOR THE GEORGIA-CAROLINA COUNCIL OF THE BOY SCOUTS OF AMERICA FOR THE EXCEPTIONAL SERVICE PROVIDED BY A MYRIAD OF LEADERS, AND TO CONGRATULATE THEM AND THEIR SCOUTS FOR A CENTURY OF OUTSTANDING AND MEANINGFUL IMPACT IN THE COMMUNITY.

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

HOUSE CONCURRENCE

S. 1104 -- Senators Shealy, Martin, Young, Bennett, Climer, Rice, Hembree, Cromer, Corbin, Scott, Campbell, Malloy, Turner, Gambrell, Goldfinch, Talley, Verdin, Davis, Allen, Setzler, Johnson, Nicholson, Williams, J. Matthews, M.B. Matthews, McLeod, Gregory and Harpootlian: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, FEBRUARY 25, 2020, AS "SOUTH CAROLINA MILITARY DEPARTMENT DAY" IN THIS STATE AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE SOUTH CAROLINA MILITARY TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

Returned with concurrence.

Received as information.

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

CONCURRENT RESOLUTIONS

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

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HIGHWAY 76 “PFC MICHAEL SHAWN LATU MEMORIAL BRIDGE” AND ERECT SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

H. 5148 -- Reps. B. Cox and Elliott: A CONCURRENT RESOLUTION TO PROCLAIM THE YEAR 2020 AS “THE YEAR OF THE EYE EXAM” AND FEBRUARY 20, 2020, AS “EYE HEALTH AWARENESS DAY” IN SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

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

Motion Adopted

On motion of Senator SABB, with unanimous consent, the vote whereby the amendment was adopted was reconsidered and withdrawn.

NONCONCURRENCE

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

Motion Adopted

On motion of Senator SABB, with unanimous consent, the amendment which was adopted on Thursday, February 13, 2020, was reconsidered and withdrawn.

Senator SABB explained the House amendments.

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

WEDNESDAY, FEBRUARY 19, 2020

INTERRUPTED DEBATE

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

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

Senator PEELER spoke on the Bill.

Motion Failed

Pursuant to Rule 15C, the PRESIDENT moved that a time certain be set on the entire matter in Interrupted Debate, S. 419, at 11:15 A.M. on Thursday, February 20, 2020; that the Clerk be prohibited from receiving further amendments, other than technical or correcting amendments, after 10:30 A.M. on Thursday, February 20, 2020; and further, when the time certain arrives that the Senate proceed to a consideration, seriatim, of the amendments on the Desk and debate be limited to six minutes equally divided between proponents and opponents.

The question then was the adoption of the motion.

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

Ayes 20; Nays 22

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Cromer
Davis	Gregory	Hembree
Leatherman	Loftis	Massey
Peeler	Rice	Senn

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Shealy
Verdin

Talley
Young

Turner

Total--20

NAYS

Allen
Fanning
Harpootlian
Kimpson
McElveen
Rankin
Scott
Williams

Cash
Goldfinch
Hutto
Malloy
McLeod
Reese
Setzler

Corbin
Grooms
Johnson
Martin
Nicholson
Sabb
Sheheen

Total--22

Having failed to receive the necessary vote, the motion failed.

Debate was interrupted by adjournment.

Motion Adopted

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

MOTION ADOPTED

On motion of Senators SETZLER, MASSEY, SHEALY, CROMER and McLEOD, with unanimous consent, the Senate stood adjourned out of respect to the memory of Miss Faye Marie Swetlik of Lexington, S.C. Faye Marie was a first grade student at Springdale Elementary School in Lexington Two. She had a bubbly personality and a sparkle in her eyes. Faye was a loving daughter and friend who will be dearly missed but never forgotten.

and

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MOTION ADOPTED

On motion of Senators PEELER, MARTIN and CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ralph Greer of Union, S.C. Ralph covered the State House for the Herald Newspaper from 1969 -1991. He also served as chairman for the Capitol Press Corps for thirteen years and started a television show called State House Week in Review. Ralph joined the staff of Union County News in 2009 and was very active in the community and will be dearly missed.

ADJOURNMENT

At 12:30 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, February 20, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Proverbs 22:6

“Train up a child in the way he should go: and when he is old he will not depart from it.” KJV

Let us Pray. Lord God, You are our Creator and Provider and we seek You earnestly for that which guides our minds and sustains our souls. You have blessed us and given us dominion over Your creation and it is an awesome responsibility. But nowhere do we feel the weight of this responsibility more than when we witness the birth of a child...for our children will be the beneficiaries of what we say, what we do, what we teach and the values we demonstrate during their formative years.

We lift up to You, Lord, all those who will play a vital role in the instruction of these children: parents, teachers, coaches, community leaders and state officials. We humbly ask You, O God, to inspire our legislators with wisdom and imagination to make decisions that will strengthen our education system so that all our children will have a future that is rich with opportunities and rewards. It is in Your holy name that we pray, Amen.

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

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4905

Agency: Department of Labor, Licensing and Regulation - Board of Funeral Service

Chapter: 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-60

SUBJECT: Inspection Guidelines

Received by Lieutenant Governor January 14, 2020

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Referred to Committee on Labor, Commerce and Industry
Legislative Review Expiration May 13, 2020
Withdrawn and Resubmitted February 19, 2020

Document No. 4953

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-260 et seq.

SUBJECT: Standards for Licensing Renal Dialysis Facilities

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Medical Affairs

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted February 19, 2020

Leave of Absence

At 11:37 A.M., Senator ALEXANDER requested a leave of absence for Senator LEATHERMAN until 1:00 P.M.

Leave of Absence

At 11:37 A.M., Senator CROMER requested a leave of absence for Senator CAMPBELL for the day.

Leave of Absence

At 11:53 A.M., Senator MARTIN requested a leave of absence for the balance of the day.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 879 Sen. Reese

S. 1071 Sens. Cash and Gambrell

THURSDAY, FEBRUARY 20, 2020

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1119 -- Senator Gambrell: A SENATE RESOLUTION TO HONOR THE WREN HIGH SCHOOL FOOTBALL TEAM AND COACHES ON THEIR IMPRESSIVE WIN OF THE 2019 CLASS AAAA STATE CHAMPIONSHIP AND TO SALUTE THE PLAYERS ON AN UNFORGETTABLE SEASON.

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The Senate Resolution was adopted.

S. 1120 -- Senator Fanning: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MARY LEE HENDRIX OF FAIRFIELD COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

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

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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.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 3197 -- Reps. Govan, S. Williams, Garvin, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "STUDENT LOAN BILL OF RIGHTS ACT" BY ADDING ARTICLE 3 TO CHAPTER 103, TITLE 59, SO AS TO PROVIDE FOR THE REGULATION OF STUDENT EDUCATION LOAN SERVICERS BY THE COMMISSION ON HIGHER EDUCATION.

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

H. 3455 -- Reps. Stavrinakis, D. C. Moss, Jefferson, R. Williams, Hixon and Sandifer: A BILL TO AMEND SECTION 40-11-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATIONS AND SUBCLASSIFICATIONS OF CONTRACTOR LICENSES SUBJECT TO REGULATION BY THE SOUTH CAROLINA CONTRACTORS' LICENSING BOARD, SO AS TO REQUIRE THE LICENSURE OF RESIDENTIAL SWIMMING POOL CONTRACTORS, AND TO REVISE THE SCOPE OF REGULATED FUNCTIONS TO INCLUDE POOL FOUNDATIONS.

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

H. 4655 -- Reps. Gilliard, Robinson, Clyburn and Thigpen: A CONCURRENT RESOLUTION TO URGE OUR FEDERAL, STATE, AND LOCAL GOVERNMENTS, ALONG WITH CHURCHES AND NEIGHBORHOOD ASSOCIATIONS, TO ACCELERATE THEIR

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EFFORTS TO ASSIST THE HOMELESS IN LIGHT OF THE NATION'S ECONOMY AND ADVERSE WEATHER CONDITIONS.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 4656 -- Reps. King, Brawley, Hosey and Simrill: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CRAWFORD ROAD IN YORK COUNTY FROM ITS INTERSECTION WITH HAMPTON ROAD TO ITS INTERSECTION WITH HECKLE BOULEVARD IN YORK COUNTY "BROTHER DAVID BOONE MEMORIAL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4762 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT SIGNS ALONG THE PORTION OF SOUTH CAROLINA HIGHWAY 63 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 278 TO ITS INTERSECTION WITH BROOKWOOD DRIVE CONTAINING THE WORDS "HOME OF DWIGHT SMITH #7 ATLANTA BRAVES WORLD SERIES CHAMPION 1995".

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

H. 4820 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNION BOULEVARD FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 49 TO ITS INTERSECTION WITH THE DUNCAN BYPASS AND CONTINUING ALONG INDUSTRIAL PARK ROAD FROM ITS INTERSECTION WITH THE DUNCAN BYPASS TO SOUTH CAROLINA HIGHWAY 49 IN UNION COUNTY "REVEREND MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY" IN HONOR OF DR. MARTIN LUTHER KING, JR., AND ERECT APPROPRIATE

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SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4929 -- Rep. McDaniel: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WATEREE ROAD WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

H. 5040 -- Reps. Garvin, Rutherford, Bales, Ballentine, Bernstein, Brawley, Finlay, Hart, Howard, McDaniel, Rose and Thigpen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF LADY STREET AND MILLWOOD AVENUE IN THE CITY OF COLUMBIA "REVEREND BLAKELY N. SCOTT INTERSECTION" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS INTERSECTION CONTAINING THESE WORDS.

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

Message from the House

Columbia, S.C., February 20, 2020

Mr. President and Senators:

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

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY

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BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

asks for a Committee of Conference, and has appointed Reps. Fry, Crawford and Hardee to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

H. 4411--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators SABB, WILLIAMS and GOLDFINCH 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

The following appointment was transmitted by the Honorable James H. Lucas:

Statewide Appointment

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

House - Minority:

Alonzo J. Holloway, 116 Wynfield Ct., Columbia, SC 29210

Referred to the Committee on Judiciary.

HOUSE CONCURRENCES

S. 818 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 FROM ITS INTERSECTION WITH THE ORANGEBURG/DORCHESTER COUNTY LINE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 "COUNCILMAN WILLIE RICHARD DAVIS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 1113 -- Senators Cromer, Massey and Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. MELISSA RAWL UPON THE OCCASION OF HER RETIREMENT AS PRINCIPAL OF LEXINGTON HIGH SCHOOL, TO COMMEND HER FOR HER

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MANY YEARS OF DEDICATED PUBLIC SERVICE TO THE YOUTH OF THIS STATE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

Motion Adopted

Senator MASSEY asked unanimous consent to make a motion to proceed to the third reading uncontested statewide calendar and upon completion of the third reading calendar, return to the Interrupted Debate.

There was no objection.

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

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, 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.

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

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson

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Johnson	Kimpson	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

**COMMITTEE AMENDMENT WITHDRAWN, AMENDED
READ THE THIRD TIME, SENT TO THE HOUSE**

S. 867 -- Senator Campsen: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A

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NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; AND TO PROVIDE THAT SECTIONS 1, 2, AND 3 OF THIS ACT ARE REPEALED ON JANUARY 1, 2021.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0867.003), which was withdrawn:

Amend the bill, as and if amended, page 4, by striking SECTION 5 in its entirety and inserting therein:

/ SECTION 5. The amendments contained in SECTIONS 1, 2, and 3 of this act are repealed on December 31, 2021, and the text of these SECTIONS therefore shall revert back to the language as contained in the South Carolina Code of Laws as of January 23, 2020. /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators CAMPSER and MASSEY proposed the following amendment (JUD0867.008), which was adopted:

Amend the bill, as and if amended, beginning on page 2, by striking SECTION 2 in its entirety and inserting therein:

/ SECTION 2. Section 7-15-420 of the 1976 Code is amended to read:

“Section 7-15-420. (A) The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots.

(B) At 9:00 a.m. on the calendar day immediately preceding election day, the managers appointed pursuant to Section 7-5-10, and in the presence of any watchers who have been appointed pursuant to Section 7-13-860, may begin the process of examining the return-addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been

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properly signed and witnessed and includes the address of the witness. All return-addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7-15-370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked 'Ballot Herein' removed and placed in a locked box or boxes.

(C) After all return-addressed envelopes have been emptied ~~in this manner~~, but no earlier than 9:00 a.m. on election day, the managers shall remove the ballots contained in the envelopes marked 'Ballot Herein', placing each one in the ballot box provided for the applicable contest.

(D) Beginning at 9:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed. If any ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed."

Amend the bill further, as and if amended, by striking SECTIONS 5 and 6, lines 4-7 on page 4 and inserting:

/ SECTION 5. To amend Section 7-15-330 of the 1976 Code of Laws to read:

"To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the board of voter registration and elections as established by the county governing body, for the county of the voter's residence. A person requesting an application for a qualified elector as the qualified elector's authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally

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determined, whichever is later. A candidate or a member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family. A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county board of voter registration and elections in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7-15-320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four-day period before the election may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of voter registration and elections. The board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; ~~and~~ the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the provisions of this section is subject to the penalties provided in Section 7-25-170.”

SECTION 6. Section 7-15-440 of the 1976 Code of Laws is amended to read:

“The county board of voter registration and elections shall, after each election, prepare a list of all persons to whom absentee ballots were issued and all persons who cast absentee ballots. The list so compiled shall be made available for public inspection upon request. This list in addition to the information provided pursuant to Section 7-15-330.”

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SECTION 7. Chapter 13, Title 7 of the 1976 Code of Laws is amended by adding:

“Section 7-13-825. The State Election Commission and each county board of voter registration and elections must post the requirements to challenge a ballot pursuant to the provisions of Section 7-13-810 in a conspicuous location in their respective offices and on their respective websites.”

SECTION 8. The amendments contained in SECTIONS 1, 2, and 3 of this act are repealed on December 31, 2021, and the text of these SECTIONS therefore shall revert back to the language as contained in the South Carolina Code of Laws as of January 23, 2020.

SECTION 9. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Harpootlian	Hembree
Hutto	Johnson	Kimpson
Loftis	Martin	Massey
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--39

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NAYS

Total--0

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

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

S. 919 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 7-7-110 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, TO ADD THE NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

The Senate proceeded to the consideration of the Bill.

Senator M.B. MATTHEWS proposed the following amendment (ZW\919C001.CC.ZW20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect March 15, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator M.B. MATTHEWS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander
Campsen

Allen
Cash

Bennett
Climer

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Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Harpootlian	Hembree
Hutto	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
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 third time, passed and ordered sent to the House of Representatives with amendments.

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

S. 920 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 7-7-330 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, TO ADD TWO PRECINCTS AND TO REDESIGNATE 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 the consideration of the Bill.

Senator M.B. MATTHEWS proposed the following amendment (ZW920C001.CC.ZW20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect March 15, 2020. /

Re number sections to conform.

Amend title to conform.

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Senator M.B. MATTHEWS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Harpootlian	Hembree
Hutto	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
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 third time, passed and ordered sent to the House of Representatives with amendments.

AMENDED, READ THE SECOND TIME

S. 1003 -- Senator Verdin: A BILL TO AMEND SECTION 7-7-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO ELIMINATE THE BREWERTON AND

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PRINCETON VOTING PRECINCTS, TO ESTABLISH THE BREWERTON-PRINCETON VOTING PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES AND BOUNDARIES OF THE LAURENS COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN proposed the following amendment (JUD1003.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 32 in its entirety and inserting therein the following:

/ SECTION 2. This act takes effect March 15, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Harpootlian	Hembree
Hutto	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Turner
Young

Sheheen
Verdin

Talley
Williams

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.

S. 1003--Ordered to a Third Reading

On motion of Senator VERDIN, with unanimous consent, S. 1003 was ordered to receive a third reading on Friday, February 21, 2020.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

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

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

Amendment No. 124

Senators SHEALY and YOUNG proposed the following amendment (419R097.SP.KS), which was carried over:

Amend the bill, as and if amended, Part III, the Read to Succeed Initiative, SECTION 17, by striking Section 59-155-160(A)(5)(d) and inserting:

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/ (d) be an organized collection of evidence of the student's mastery of the state English/language arts standards that are assessed by the third-grade statewide English language arts assessment. For each standard, there must be at least five work samples of mastery in which the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required, and a single piece of evidence may be used to show mastery of multiple standards; and /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

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

Amendment No. 125

Senator FANNING proposed the following amendment (WAB\419C200.SM.WAB20):

Amend the bill, as and if amended, Section 59-18-1635(A), as contained in SECTION 49, by deleting the subsection and inserting:

/ (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a school for which he has a capacity to serve under the following circumstances:

(1) the school is chronically underperforming;

(2) the school's accreditation is denied; or

(3) after consulting with the county's legislative delegation, the State Superintendent of Education determines that a school's turnaround plan results are insufficient, subject to the weighted vote of the county's legislative delegation. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator ALEXANDER, with unanimous consent, the Senate agreed to stand adjourned, with Senator FANNING retaining the floor on S. 419.

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ADJOURNMENT

At 1:05 P.M., on motion of Senator ALEXANDER, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 21, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator MASSEY.

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. 1003 -- Senator Verdin: A BILL TO AMEND SECTION 7-7-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO ELIMINATE THE BREWERTON AND PRINCETON VOTING PRECINCTS, TO ESTABLISH THE BREWERTON-PRINCETON VOTING PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES AND BOUNDARIES OF THE LAURENS COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator VERDIN.

ADJOURNMENT

At 11:03 A.M., on motion of Senator SCOTT, the Senate adjourned to meet next Tuesday, February 25, 2020, at 2:00 P.M.

* * *

Tuesday, February 25, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Genesis 11:4a

“Then they said, ‘Come let us build ourselves a city and a tower with its top in the heavens, and let us make a name for ourselves...’ ”

Let us Pray. Almighty God Sovereign of history and Lord of our lives, when deliberations become deadlocked, we remember the words of Benjamin Franklin at the opening of the Constitutional Convention in 1787.

He said, “ I have lived, sir, a long time and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men... and without His concurring aid we shall succeed in this political building no better than the builders of Babel...and our projects will be confounded...”

Now, O Lord, at the beginning of this day remind the senators and all of us who serve with them that this is Your Senate, and that we are accountable to You.

We pray, therefore, that You will think Your thoughts through these senators; speak Your truth through their words; bring to fruition the very best for our State through what You lead them to decide.

Through the power of Your Holy Spirit we humbly pray, Amen.

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

Point of Quorum

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

Call of the Senate

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

Alexander	Bennett	Cash
Climer	Corbin	Cromer

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Fanning	Goldfinch	Gregory
Hutto	Johnson	Loftis
Martin	Massey	Peeler
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

REGULATION RECEIVED

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

Document No. 4933

Agency: Clemson University

Chapter: 27

Statutory Authority: 1976 Code Section 59-119-320

SUBJECT: Parking and Traffic Regulations

Received by Lieutenant Governor February 21, 2020

Referred to Committee on Education

REGULATION WITHDRAWN

The following was received:

Document No. 4919

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-110, 59-25-115, 59-26-40, and 59-26-85

SUBJECT: Credential Classification

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn February 21, 2020

Leave of Absence

At 2:04 P.M., Senator CROMER requested a leave of absence for Senator CAMPSSEN until 3:04 P.M.

Leave of Absence

At 2:35 P.M., Senator McELVEEN requested a leave of absence for Senator KIMPSON for the day.

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Leave of Absence

At 2:53 P.M., Senator ALLEN requested a leave of absence for Senator SABB for the balance of the day.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McLEOD rose for an Expression of Personal Interest.

Remarks by Senator McLEOD

Thank you, Mr. PRESIDENT. I wasn't going to say anything today about Rena. I'm not sure how many of you knew her, but she was extremely special to me. In addition to being a beautiful spirit, she had a brilliant mind. I saw her here about a week ago and I stopped to ask how she was doing because what some of you may not know is we shared a lot more than work in common. Both of us have had to fight with sickle cell disease and sickle cell anemia our entire lives. She had a crisis, a really bad crisis, maybe a year or two ago and I thought if she pulled through that she was going to be okay. But, what we know and what we don't know about sickle cell disease is that it can be deadly. A lot of people may not have realized that. You may have heard me mention that in the context of some of the Bills that we've debated, because both of my pregnancies were high risk for that reason and I've had my share of crises too. I didn't realize until I had a stroke in 2015 that sickle cell anemia put me at a much higher risk. I'm not sure what happened on Sunday with Rena, but when I got the call -- I have just been in a daze since that time. I just wanted to say that we've got so much work to do in terms of making the people of South Carolina aware of sickle cell anemia and its impact on so many of our citizens.

But today, I just want us to think about and pray for Rena's family, her work family -- which includes all of us -- her friends, and her community. It's a sad day in South Carolina, but there is so much good that we can do to help those who are struggling with this vicious and painful disease. So, I thank you for your time, I thank you for listening and I hope that at the appropriate time we will do right by the citizens of this State who are suffering with this debilitating disease. Thank you.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator McLEOD, were ordered printed in the Journal.

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CO-SPONSORS ADDED

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

S. 907 Sen. Senn
S. 1071 Sen. Reese
S. 1112 Sen. Shealy

RECALLED AND ADOPTED

H. 5222 -- Reps. Hiott, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, 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 RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 22-29, 2020.

Senator CAMPBELL asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Agriculture and Natural Resources.

The Concurrent Resolution was recalled from the Committee on Agriculture and Natural Resources.

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

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There was no objection.

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

On motion of Senator CAMPBELL, the Concurrent Resolution was adopted and ordered returned to the House.

RECALLED

H. 4702 -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1122 -- Senator Gambrell: A CONCURRENT RESOLUTION TO APPLAUD THE BELTON-HONEA PATH HIGH SCHOOL COMPETITIVE CHEER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXCEPTIONAL SEASON AND TO SALUTE THEM ON WINNING THE 2019 CLASS AAAA STATE CHAMPIONSHIP TITLE.

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

TUESDAY, FEBRUARY 25, 2020

S. 1123 -- Senator Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-80-65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE DEPARTMENTS THAT SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

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

S. 1124 -- Senator McLeod: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ENTREPRENEUR AND PHILANTHROPIST, DR. FELIX KING EIREMIOKHAE FOR HIS OUTSTANDING, INNOVATIVE SUCCESS AND HIS REMARKABLE PHILANTHROPY IN THE NATION OF NIGERIA.

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

S. 1125 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE THE REVEREND DR. STANLEY R. LADSON, SR., OF HOPKINS ON THE OCCASION OF HIS RECENT RETIREMENT FROM THE FORT JACKSON PROPERTY BOOK OFFICE, TO COMMEND HIM FOR HIS THIRTY-SEVEN YEARS OF OUTSTANDING CIVIL SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 1126 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE UPON THE OCCASION OF ITS TENTH ANNIVERSARY AND TO COMMEND THE DEPARTMENT FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

TUESDAY, FEBRUARY 25, 2020

H. 5269 -- Reps. Henegan, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, 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 RECOGNIZE AND CELEBRATE THE 108TH ANNIVERSARY OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA AND TO HONOR GIRL SCOUTS OF EASTERN SOUTH CAROLINA, GIRL SCOUTS OF SOUTH CAROLINA, MOUNTAINS TO MIDLANDS, AND THE GIRL SCOUT MOVEMENT FOR PROVIDING GIRLS WITH A SAFE, INCLUSIVE, ALL-GIRL SPACE TO ENHANCE THEIR SKILLS AND DEVELOP LEADERSHIP ABILITIES BY DECLARING THE WEEK OF MARCH 10, 2020, TO BE "GIRL SCOUTS' WEEK".

On motion of Senator HUTTO, with unanimous consent, the Concurrent Resolution was adopted and returned to the House.

H. 5282 -- Rep. Howard: A CONCURRENT RESOLUTION TO DECLARE MARCH 2020 AS BLEEDING DISORDERS AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO INCREASE RECOGNITION OF THESE ILLNESSES.

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

TUESDAY, FEBRUARY 25, 2020

INVITATIONS ACCEPTED

The PRESIDENT ordered the following invitations placed on the Calendar:

Wednesday, March 4, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina EMS Association**

Wednesday, March 4, 2020 - 11:30am-1:30pm

Members Only, Luncheon, 112 Blatt, by the **Southern Association for College Admission Counseling**

Wednesday, March 4, 2020 - 6:00pm-8:00pm

Members and Staff, Reception, Columbia Convention Center, by the **Myrtle Beach Area Chamber of Commerce**

Thursday, March 5, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina Broadcasters Association**

Thursday, March 5, 2020 - 8:00am-10:00am

Members Only, Breakfast, Halls Chophouse, 1221, by the **SC State University Alumni Association**

Wednesday, March 18, 2020 - 7:30am

Members only, Breakfast, Columbia Convention Center, by the **State Prayer Breakfast**

Thursday, March 19, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **Leadership South Carolina**

Thursday, March 19, 2020 - 8:00am-10:00am

Members only, Breakfast, Trinity Episcopal Cathedral, Stirling Room, by the **The Fellowship of South Carolina Bishops**

Tuesday, March 24, 2020 - 5:00pm-7:00pm

Members and Staff, Reception, 114 College Street, by the **SC Beer Wholesalers Association**

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Tuesday, March 24, 2020 - 5:30pm-7:30pm

Members Only, Reception, Halls Chop House, by the **SC Poultry Federation**

Tuesday, March 24, 2020 - 5:30pm-8:00pm

Members and Staff, Reception, 701 Whaley Street, by the **Conservation Coalition of South Carolina "Oyster Roast"**

Wednesday, March 25, 2020 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **Piedmont Municipal Power Agency/SC Association of Municipal Power Systems**

Wednesday, March 25, 2020 - 11:30pm-1:30pm

Members Only, Luncheon, State House grounds, by the **South Carolina Technical College System**

Wednesday, March 25, 2020 - 5:00pm-8:00pm

Members and Staff, Reception, Spirit Communications Park, by the **BlueCross BlueShield of South Carolina Softball Game**

Thursday, March 26, 2020 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **SC Coalition for Mathematics and Science "STEM Education Day at the Capitor"**

Tuesday, March 31, 2020 - 11:00am-2:00pm

Members and Staff, Luncheon, State House grounds, by the **Boeing of South Carolina, SC Manufacturing Alliance and BMW**

Tuesday, March 31, 2020 - 6:00pm-8:00pm

Members Only, Reception, Columbia Museum of Art, by the **Home Builders Association of South Carolina**

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

SECOND READING BILL

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

TUESDAY, FEBRUARY 25, 2020

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.

On motion of Senator HUTTO.

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT", TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE

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CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

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

RECESS

At 2:40 P.M., on motion of Senator MALLOY, the Senate recessed from business not to exceed 15 minutes.

At 2:55 P.M., the Senate resumed.

Amendment No. 125

Senator FANNING proposed the following amendment (WAB\419C200.SM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59-18-1635(A), as contained in SECTION 49, by deleting the subsection and inserting:

/ (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a school for which he has a capacity to serve under the following circumstances:

- (1) the school is chronically underperforming;
- (2) the school's accreditation is denied; or
- (3) after consulting with the county's legislative delegation, the State Superintendent of Education determines that a school's turnaround plan results are insufficient, subject to the weighted vote of the county's legislative delegation. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 34; Nays 6

AYES

Alexander
Campsen

Bennett
Cash

Campbell
Climer

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Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Leatherman	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Rankin
Rice	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--34

NAYS

Allen	Fanning	Jackson
Johnson	<i>Matthews, Margie</i>	McLeod

Total--6

The amendment was laid on the table.

Amendment No. 126

Senator FANNING proposed the following amendment (WAB\419C202.SM.WAB20):

Amend the bill, as and if amended, Section 59-18-1635, as contained in SECTION 49, by adding an appropriately lettered subsection to read:

/ () If the State Superintendent of Education fails to show progress with school after four consecutive years, the public must be notified in writing of the failure of the State Superintendent. Further, the school shall immediately revert back to the control of the local school district. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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Motion Under Rule 15A Adopted

At 3:51 P.M., Senator MASSEY moved under the provisions of Rule 15A to vote on the entire matter of S. 419.

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

Ayes 25; Nays 17

AYES

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

Total--25

NAYS

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

Total--17

Having received the necessary vote, the motion under Rule 15A was adopted.

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

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**S. 16 -- REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

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

Senator ALEXANDER spoke on the report.

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

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Peeler	Rankin	Reese
Rice	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Young

Total--39

NAYS

Total--0

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The Committee of Conference Committee was adopted as follows:

S. 16 -- Conference Report

The General Assembly, Columbia, S.C., February 12, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 1/24/19.)

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

/ SECTION 1. Section 40-43-86(P) of the 1976 Code is amended to read:

“(P) If a pharmacist receives a request for a prescription refill and the pharmacist is unable to obtain refill authorization from the prescriber, the pharmacist may dispense, once within a twelve-month period, an emergency refill of up to a ~~ten-day~~ fourteen-day supply of the prescribed medication if:

- (1) the prescription is not for a controlled substance;
- (2) the medication is essential to the maintenance of life or to the continuation of therapy;
- (3) in the pharmacist's professional judgment, continuing the therapy for up to ~~ten~~ fourteen days will produce no undesirable health consequences or cause physical or mental discomfort;
- (4) the pharmacist properly records the dispensing; and
- (5) the dispensing pharmacist notifies the prescriber of the refill and the amount of the refill, not to exceed a ~~ten-day~~ fourteen-day supply, within a reasonable time, but no later than ten days after the once in twelve months refill dispensing.

In the event that a pharmacist is unable to dispense an emergency refill

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for the time period specified in this subsection due to the medication's packaging, the pharmacist is permitted to dispense up to a thirty-day quantity of the medication so long as the requirements contained in this subsection are otherwise met."

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

Amend title to conform.

/s/Sen. Thomas C. Alexander	/s/Rep. Robert Lee Ridgeway III
/s/Sen. Ronnie W. Cromer	/s/Rep. Lawrence Kit Spires
/s/Sen. John L. Scott Jr.	/s/Rep. Julia Anne Parks
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Willie Sowell, Jr. of Manning, S.C. A beloved husband, father and grandfather. He faithfully served his country until his retirement in 1976 after 20 years of dedicated service. A proud Vietnam veteran, an avid church goer, and a friend to all that needed a friend. He will be dearly missed by all that knew and loved him in the community and surrounding areas.

and

MOTION ADOPTED

On motion of Senator LEATHERMAN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Rena Grant. of Hopkins, S.C. She was a dedicated employee of the State of South Carolina. She faithfully served the House Ways and Means Committee as a Financial Analyst. She will be dearly missed on the House Floor and by her State House Family.

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ADJOURNMENT

At 3:57 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 2:00 P.M.

* * *

Wednesday, February 26, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 86:12

“I will praise thee, O Lord my God, with my whole heart; and I will glorify Thy name for evermore.”

Let us Pray. Great and loving God, we come to You in prayer, not confident in our own goodness but solely in Your grace.

You are our hope when we are down, our strength when we are weak and our Savior when we are lost. You are our security in a world of constant change and turmoil.

Even when we forget You in the rush of life, You never forget us. Thank You for Your faithfulness and the privilege of living this week to Your glory. Fill the wells of our souls with Your strength and our minds with Your inspiration. In Your holy name we pray, Amen.

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

Point of Quorum

At 2:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Johnson	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
Peeler	Rice	Sabb

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Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator McELVEEN introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

Leave of Absence

At 3:19 P.M., Senator CROMER requested a leave of absence for Senator CAMPSER until 7:00 P.M.

Leave of Absence

At 3:32 P.M., Senator MASSEY requested a leave of absence for Senator MARTIN for the balance of the day.

Leave of Absence

At 3:56 P.M., Senator TURNER requested a leave of absence for Senator TALLEY for the balance of the day.

Leave of Absence

At 5:05 P.M., Senator GAMBRELL requested a leave of absence for the balance of the day.

Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

Remarks by Senator McELVEEN

Thank you, MR. PRESIDENT. I am standing here again with Senator JOHNSON who, as you know, represents a good amount of my home county, Sumter. Reports say that we have had an unthinkable tragedy occur in Sumter. Yesterday, one of our heroes was shot, and we have since learned more details. We learned that we have lost Corporal Andrew Gillette. This is the first officer struck down in the line of duty in our home county for almost 24 years. This man was a U.S. Air Force

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veteran. He was originally from California and he came from a family of law enforcement who served their community in California. He came to Sumter through his service in the Air Force. He ended up meeting a local girl, retiring from the Air Force, and staying in Sumter. At this point in time, he joined the Sumter County Sheriff's Office. Corporal Gillette moved through the ranks quickly. He became a corporal in 2016. He has been Employee of the Month and Deputy of the Month, and he was mostly involved with civil process. He worked security for the Sumter County Summary Court. I had many conversations with him. From speaking with him, I could tell he was one of those people we rarely see: a true servant's heart, a man who wanted to serve his country, and a patriot. When you talked to Corporal Gillette, he was like our former colleague, Senator Clementa Pinckney. He always asked, "How are you doing?" or, "How is your family doing." That was Corporal Gillette. Every time I went to Summary Court, I had a long conversation with him. He was one of those people in law enforcement who was the perfect law enforcement officer. He had a great disposition and temperament. He was a gentle giant who cared about his job and his family very much. He leaves behind a wife, who is an educator in Sumter, an 11-year-old son, and many family members at the Sumter County Sheriff's Office. Family members in Sumter County Law Enforcement and people in our community are struggling today, and I am definitely one of them. Yesterday did not need to happen. This man was serving civil process, an eviction notice, to the person who took his life. Two other deputies at the scene responded bravely and courageously to eliminate the threat. I imagine, no matter how bad the action, it is a difficult thing for anyone to do no matter his or her training. Members of the Senate, I stand before you to ask for your prayers and to ask for your thoughts for Corporal Andrew Gillette, a wonderful man who we lost at 37-years old. He is a great loss to our community and to our State. Please keep his wife and his young son in your prayers. I also ask that you keep the two responding officers as well as our entire law enforcement community in your prayers for the coming days and weeks. It is going to be a tough thing for us to deal with, but we have a wonderful community who pulls together in times like this. We need your prayers, and we need your thoughts. MR. PRESIDENT, I would like to ask for another moment of silence in memory of Corporal Gillette.

On motion of Senator NICHOLSON, with unanimous consent, the remarks of Senator McELVEEN, were ordered printed in the Journal.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1127 -- Senator Senn: A BILL TO AMEND SECTION 12-6-3587(A) OF THE 1976 CODE, RELATING TO THE PURCHASE AND INSTALLATION OF A SOLAR ENERGY SYSTEM FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY, TO MAKE THE CREDIT FOR THE PURCHASE AND INSTALLATION OF SUCH ITEMS A REFUNDABLE CREDIT.

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

S. 1128 -- Senators Verdin, Goldfinch, Grooms, Peeler, Turner and Campbell: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF CLIVE CUSSLER, THE DISCOVERER OF THE H.L. HUNLEY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1129 -- Senators Rankin, Grooms, Hutto, McElveen, Sabb, M. B. Matthews, Gambrell and Goldfinch: A BILL TO AMEND SECTION 58-31-20 OF THE 1976 SOUTH CAROLINA CODE OF LAWS TO PROVIDE A MEMBER OF THE BOARD OF DIRECTORS OF THE PUBLIC SERVICE AUTHORITY SHALL NOT BE APPOINTED FOR MORE THAN TWO UNEXPIRED CONSECUTIVE TERMS AND FOR EDUCATION AND EXPERIENCE REQUIREMENTS FOR A BOARD MEMBER; TO ADD SECTION 58-31-230 TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF HAS AUTHORITY TO MAKE INSPECTIONS, AUDITS, AND EXAMINATIONS OF THE PUBLIC SERVICE AUTHORITY FOR ELECTRIC AND WATER RATES; TO AMEND SECTION 58-31-380 TO ESTABLISH A PROCESS TO RECEIVE PUBLIC COMMENT AND A PUBLIC HEARING IN SETTING ELECTRIC RATES, AND FOR THE OFFICE OF REGULATORY STAFF TO REVIEW THE PROPOSED RATES AND COMMENT BEFORE THE RATES GO INTO EFFECT; TO AMEND SECTION 58-33-20 TO INCLUDE THE PUBLIC SERVICE AUTHORITY IN THE REQUIREMENTS FOR

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UTILITY FACILITY SITING; TO AMEND SECTION 58-37-40 TO DELETE SUBSECTION (A)(3); AND TO ADD SECTION 58-37-45 TO REQUIRE THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO SUBMIT AN INTEGRATED RESOURCE PLAN TO THE PUBLIC SERVICE COMMISSION AND TO PROVIDE FOR PLAN REQUIREMENTS.

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Senator RANKIN spoke on the Bill.

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

Appointment Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointment

Initial Appointment, Secretary of South Carolina Department of Veterans' Affairs, with term coterminous with the Governor

Major General William F. Grimsley, 226 Green Winged Teal Drive S., Beaufort, SC 29907-1053

Received as information.

HOUSE CONCURRENCES

S. 1122 -- Senator Gambrell: A CONCURRENT RESOLUTION TO APPLAUD THE BELTON-HONEA PATH HIGH SCHOOL COMPETITIVE CHEER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXCEPTIONAL SEASON AND TO SALUTE THEM ON WINNING THE 2019 CLASS AAAA STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

S. 1124 -- Senator McLeod: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ENTREPRENEUR AND PHILANTHROPIST, DR. FELIX KING EIREMIOKHAE FOR HIS OUTSTANDING, INNOVATIVE SUCCESS AND HIS REMARKABLE PHILANTHROPY IN THE NATION OF NIGERIA.

Returned with concurrence.

Received as information.

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

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

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

Amendment No. 126

Senator FANNING proposed the following amendment (WAB\419C202.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1635, as contained in SECTION 49, by adding an appropriately lettered subsection to read:

/ () If the State Superintendent of Education fails to show progress with school after four consecutive years, the public must be notified in writing of the failure of the State Superintendent. Further, the school shall immediately revert back to the control of the local school district. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator MARTIN spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

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Amendment No. 127

Senator FANNING proposed the following amendment (WAB\419C204.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(B), as contained in SECTION 49, by deleting the subsection and inserting:

/ (B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education and the county's legislative delegation meet to approve or disapprove the declaration. The State Board of Education and the county's legislative delegation must meet within ten days of the request to approve or disapprove the declaration./

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator MARTIN spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 128

Senator FANNING proposed the following amendment (WAB\419C205.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(C)(2), as contained in SECTION 49, by deleting the subsection and inserting:

/ (2) assume management of the district. Once a district is declared in emergency status, the State Superintendent of Education assumes managerial responsibility of the school district, performing the role of a district superintendent. The role of the local school board and all functions thereof must be fulfilled by the State Board of Education and may not be fulfilled to any degree by the State Superintendent of Education. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

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Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Senators HUTTO and M.B. MATTHEWS were granted leave to attend a meeting and were granted leave to vote from the balcony.

Amendment No. 129

Senator FANNING proposed the following amendment (WAB\419C209.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(E)(1), as contained in SECTION 49, by deleting the item and inserting:

/ (1) Upon the State Board of Education's approval of a state-of-education emergency declaration, the local district board of trustees is dissolved. The State Superintendent of Education shall assume the authority and responsibilities of the district superintendent and the State Board of Education will assume the authority and responsibilities of the local board of trustees until district management is transitioned to the jurisdiction of an interim local district board of trustees appointed pursuant to this section. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was adoption of the amendment.

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

Ayes 11; Nays 31

AYES

Allen	Fanning	Harpootlian
Hutto	Johnson	Kimpson
Matthews, Margie	McLeod	Reese
Sabb	Scott	

Total--11

NAYS

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

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Hembree	Leatherman	Loftis
Malloy	Massey	McElveen
Nicholson	Peeler	Rankin
Rice	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--31

The amendment was not adopted.

Amendment No. 134

Senator FANNING proposed the following amendment (WAB\419C212.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640, as contained in SECTION 49, by adding an appropriately lettered subsection after subsection (H) to read:

/ () If the State Superintendent of Education fails to show progress with the school district after four consecutive years, the public must be notified in writing of the failure of the State Superintendent. Further, the school shall immediately revert back to the control of the local school district. Board Elections must be set immediately. Upon election of the new school board, the local board will assume full authority of managing the school district, including the hiring of a new superintendent. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 135

Senator FANNING proposed the following amendment (WAB\419C213.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(E)(2)(a), as contained in SECTION 49, by deleting the subitem and inserting:

/ (a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained

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improvement for a minimum of three consecutive years, new elections must be held to elect all members of the local school board of trustees. After the local elections, the new board will immediately assume management of the school district, including the hiring of a superintendent. The interim local district board of trustees shall consist of five members appointed in the following manner, with a chairman elected by the appointees:

- (i) one member appointed by the Governor;
- (ii) one member appointed by the local legislative delegation;

and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was adoption of the amendment.

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

Ayes 4; Nays 33

AYES

Allen	Fanning	McLeod
Reese		

Total--4

NAYS

Alexander	Bennett	Campbell
Cash	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
Rice	Sabb	Scott

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Senn
Turner

Setzler
Williams

Shealy
Young

Total--33

The amendment was not adopted.

Amendment No. 136

Senator FANNING proposed the following amendment (WAB\419C214.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(E)(2)(a), as contained in SECTION 49, by deleting the subitem and inserting:

/ (a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained improvement for a minimum of two consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

- (i) one member appointed by the Governor;
- (ii) one member appointed by the local legislative delegation;

and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 137

Senator FANNING proposed the following amendment (WAB\419C215.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(E)(2)(a), as contained in SECTION 49, by deleting the subitem and inserting:

/ (a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained

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improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

- (i) one member appointed by the Governor;
- (ii) one member appointed by the local legislative delegation;
- (iii) one member appointed by the State Superintendent of Education in consultation with the local legislative delegation;
- (iv) one member appointed by a vote of the school improvement councils within the district; and
- (v) one member appointed by the local teachers employed in the district. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 138

Senator FANNING proposed the following amendment (WAB\419C216.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(E)(3), as contained in SECTION 49, by deleting the item and inserting:

/ (3) For a maximum of two years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

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Amendment No. 139

Senator FANNING proposed the following amendment (WAB\419C217.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1640(G), as contained in SECTION 49, by deleting subsection (G).

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 140

Senator FANNING proposed the following amendment (WAB\419C047.AGM.WAB20), which was not adopted:

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

/ SECTION ____ .A. Section 59-156-120(A) of the 1976 Code is amended to read:

“Section 59-156-120. (A)(1) The South Carolina Child Early Reading Development and Education Program ~~first~~ must be made available to eligible children attending schools in the following school districts: from the following eight trial districts in Abbeville County School District et al vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

(2) ~~With any funds remaining after funding the eight trial districts, Beginning with the 2019-2020 school year, and each school year thereafter, the program must also be made available to be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in other school districts, with the program being expanded to every qualified child in all school districts by the 2019-2020 school year. The program must be expanded to the remaining school districts with a based on the school district’s poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006 2007 School Year, then in the plaintiff districts having proportionally the largest population of underserved at risk~~

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four-year-old children percentage, with expansion first in the school districts with the highest percentage.

(2) No later than five school years following the program's expansion for every eligible child in all school districts, the program must be expanded further to include all children, regardless of financial eligibility, in all public school districts in this State.

(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.”

B. Section 59-156-130(B)(2) of the 1976 Code is amended to read:

“(2) The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility. When the program is expanded pursuant to Section 59-156-120(A)(2), the provisions of this subsection regarding annual family income and Medicaid eligibility no longer apply.”

C. Section 59-156-140(C) of the 1976 Code is amended to read:

“(C) Providers may limit student enrollment based upon space available, but, if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved prekindergarten readiness assessment. Private providers must not be required to expand their programs to accommodate all children desiring enrollment, but are encouraged to keep a waiting list for students they are unable to serve due to space limitations. Upon the applicability of Section 59-156-120(A)(2), this subsection only applies to private providers.”

D. Section 59-156-220(A) of the 1976 Code is amended to read:

“Section 59-156-220(A). The General Assembly shall provide funding for the South Carolina Child Early Reading Development and Education Program in the annual general appropriations act. For the 2019-2020 school year, the funded cost per child shall be the same as in 2016-2017, plus an inflation adjustment, and increased annually thereafter by the rate of inflation as determined by the Revenue and Fiscal Affairs Office for the Education Finance Act. Eligible students

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enrolling with private providers during the school year must be funded on a pro rata basis determined by the length of their enrollment.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 141

Senator FANNING proposed the following amendment (WAB\419C048.AGM.WAB20), which was withdrawn:

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

/ SECTION ____ .A. Section 59-156-120(A) of the 1976 Code is amended to read:

“Section 59-156-120. (A)(1) The South Carolina Child Early Reading Development and Education Program ~~first~~ must be made available to eligible children ~~from the attending schools in the following school districts following eight trial districts in Abbeville County School District et al vs. South Carolina:~~ Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

~~(2) With any funds remaining after funding the eight trial districts, Beginning with the 2019-2020 school year, and each school year thereafter, the program must also be made available to be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in other school districts, with the program being expanded to every qualified child in all school districts by the 2019-2020 school year. The program must be expanded to the remaining school districts with a based on the school district's poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 School Year, then in the plaintiff districts having proportionally the largest population of underserved at risk four-year-old children percentage, with expansion first in the school districts with the highest percentage.~~

(2) No later than five school years following the program's expansion for every eligible child in all school districts, the program

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must be expanded further to include all children, regardless of financial eligibility, in all public school districts in this State.

(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.”

B. Section 59-156-130(B)(2) of the 1976 Code is amended to read:

“(2) The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility. When the program is expanded pursuant to Section 59-156-120(A)(2), the provisions of this subsection regarding annual family income and Medicaid eligibility no longer apply.”

C. Section 59-156-140(C) of the 1976 Code is amended to read:

“(C) Providers may limit student enrollment based upon space available, but, if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved prekindergarten readiness assessment. Private providers must not be required to expand their programs to accommodate all children desiring enrollment, but are encouraged to keep a waiting list for students they are unable to serve due to space limitations. When the program is expanded pursuant to Section 59-156-120(A)(2), this subsection will only apply to private providers.”

D. Section 59-156-220(A) of the 1976 Code is amended to read:

“Section 59-156-220(A). The General Assembly shall provide funding for the South Carolina Child Early Reading Development and Education Program in the annual general appropriations act. For the 2019-2020 school year, the funded cost per child shall be the same as in 2016-2017, plus an inflation adjustment, and increased annually thereafter by the rate of inflation as determined by the Revenue and Fiscal Affairs Office for the Education Finance Act. Eligible students enrolling with private providers during the school year must be funded on a pro rata basis determined by the length of their enrollment.”

E. This act takes effect upon approval by the Governor, and each expansion contained in Section 59-156-120 must be implemented upon

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available and sufficient funding as provided by the General Assembly in the annual general appropriations act. /

Renumber sections to conform.

Amend title to conform.

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

Amendment No. 142

Senator FANNING proposed the following amendment (WAB\419C038.AGM.WAB20), which was not adopted:

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

/ SECTION ____ . Changes to the public education academic standards, assessments, cut scores, and ratings currently used in this State are prohibited until July 1, 2024, at which time the Department of Education shall examine the achievement of students from July 1, 2019 to June 31, 2024 based on the academic standards, assessments, cut scores, and ratings in use during that time. The department shall provide a report recommending any changes to academic standards, assessments, cut scores, and ratings that it considers appropriate based on the findings of its examination to the General Assembly before November 1, 2024. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Amendment No. 143

Senator FANNING proposed the following amendment (WAB\419C169.SM.WAB20), which was adopted:

Amend the committee report, as and if amended, by deleting SECTION 39.A. and inserting:

/ SECTION 39. A. Section 59-5-63 of the 1976 Code is amended to read:

“Section 59-5-63. (A)(1) The State Board of Education shall promulgate regulations directing adopt, and revise as necessary, a policy that each local school board must use to develop and implement a plan

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that directs the principal of each elementary school having ~~grades one kindergarten through six~~ fifth grade to provide all full-time teachers who are assigned to a classroom with at least thirty minutes of unencumbered time on each regular school day to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984-85 school year.

(2) The State Board of Education's policy must:

(a) provide the process that a local school board must follow in developing a unencumbered time policy, including, but not limited to, policy application, manner of application, and times of application;

(b) provide that unencumbered time may not be withheld or reduced, unless it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff;

(c) provide that additional compensation may not be offered in place of unencumbered time;

(d) provide penalties if a principal fails to comply with the local unencumbered time policy; and

(e) provide penalties if a local school board fails to comply with this section.

(B) The local school board must adopt an unencumbered time policy at a regularly scheduled meeting within three months of the State Board of Education's adoption of a statewide policy. The local school board's policy must include, at a minimum, the State Board of Education's policy but may also include additional provisions. If the State Board of Education revises the statewide policy, then the local school board must incorporate and adopt the revisions into the local unencumbered time policy at a regularly scheduled meeting within three months.

(C) The local school board must submit its unencumbered time policy and any subsequent revisions to the Department of Education within thirty days of adoption."/

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

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Amendment No. 144

Senator FANNING proposed the following amendment (WAB\419C164.SM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59-20-50(4)(b), as contained in SECTION 37.A., by deleting the subitem and inserting:

/ SECTION 37. A. Section 59-20-50(4)(b) of the 1976 Code is amended to read:

~~“(b) The state minimum salary schedule must be based on the state minimum salary schedule index in effect as of July 1, 1984. The minimum starting teacher salary for a teacher with no years of experience and a bachelor’s degree must be at least thirty-five thousand dollars. The General Assembly shall establish the starting teacher salary, the salary schedule, and the Education Finance Act inflation factor each year in the annual appropriations act. Annual salary increases must be based on funding provided by the General Assembly in the annual appropriations act and provided through adjustments in the salary schedule to educators identified by the Department of Education as eligible to receive the Education Improvement Act teacher salary supplement during Fiscal Year 2019-2020 as reported to the Revenue and Fiscal Affairs Office. The state teacher salary scale shall extend with steps through year twenty-eight. The amount of increase to each subsequent step must be equal to the percentage increase in prior-authorized, existing steps. In Fiscal Year 1985, the 1.000 figure in the index is \$14,172. (This figure is based on a 10.27% increase pursuant to the South Carolina Education Improvement Act of 1984.) Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Office of Research and Statistic of the Revenue and Fiscal Affairs Office and provided to the General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers’ salaries of the southeastern states. In projecting the southeastern average, the office shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay. Under this schedule, school districts are required to maintain local salary supplements per teacher no less than their prior fiscal level. In Fiscal Year 1986 and thereafter teacher pay raises through adjustments in the state’s minimum salary schedule may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the following criteria:~~

- ~~(1) holding a valid professional certificate;~~

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- (2) having a score of 425 or greater on the Commons Examination of the National Teachers Examinations;
- (3) meeting the minimum qualifying score on the appropriate area teaching examination; or
- (4) ~~meeting the minimum standards on the basic skills examinations as prescribed by the State Board of Education provided in Section 59-26-20."~~ /

Renumber sections to conform.

Amend title to conform.

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

Amendment No. 145

Senator FANNING proposed the following amendment (WAB\419C165.SM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59-20-50(4)(b), as contained in SECTION 37.A., by deleting the item and inserting:

/ SECTION 37. A. Section 59-20-50(4)(b) of the 1976 Code is amended to read:

~~"(b) The state minimum salary schedule must be based on the state minimum salary schedule index in effect as of July 1, 1984. The minimum starting teacher salary for a teacher with no years of experience and a bachelor's degree shall be at least thirty-five thousand dollars. The General Assembly shall establish the starting teacher salary, the salary schedule, and the Education Finance Act inflation factor each year in the annual appropriations act. Annual salary increases must be based on funding provided by the General Assembly in the annual appropriations act and provided through adjustments in the salary schedule to educators identified by the Department of Education as eligible to receive the Education Improvement Act teacher salary supplement during Fiscal Year 2019-2020 as reported to the Revenue and Fiscal Affairs Office. In Fiscal Year 1985, the 1.000 figure in the index is \$14,172. (This figure is based on a 10.27% increase pursuant to the South Carolina Education Improvement Act of 1984.) Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Office of Research and Statistic of the Revenue and Fiscal Affairs Office and provided to the General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers' salaries of the southeastern nation's fifty states states. In~~

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projecting the ~~southeastern~~ average, the office shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay. ~~Under this schedule, school districts are required to maintain local salary supplements per teacher no less than their prior fiscal level. In Fiscal Year 1986 and thereafter teacher pay raises through adjustments in the state's minimum salary schedule may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the following criteria:~~

- ~~(1) holding a valid professional certificate;~~
- ~~(2) having a score of 425 or greater on the Commons Examination of the National Teachers Examinations;~~
- ~~(3) meeting the minimum qualifying score on the appropriate area teaching examination; or~~
- ~~(4) meeting the minimum standards on the basic skills examinations as prescribed by the State Board of Education provided in Section 59-26-20." /~~

Renumber sections to conform.

Amend title to conform.

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

Amendment No. 146

Senator FANNING proposed the following amendment (WAB\419C077.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-1950(B), as contained in SECTION 8, by adding an appropriately numbered item at the end to read:

/ () The Revenue and Fiscal Affairs Office shall report annually to the General Assembly the total cost of the tracking of South Carolina students and graduates. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

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Amendment No. 147

Senator FANNING proposed the following amendment (WAB\419C287.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-365(A), as contained in SECTION 6.A., by deleting the subsection and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

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

Ayes 17; Nays 21

AYES

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

Total--17

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NAYS

Alexander	Bennett	Campbell
Cash	Corbin	Cromer
Davis	Goldfinch	Gregory
Grooms	Hembree	Loftis
Massey	Peeler	Rankin
Rice	Senn	Shealy
Turner	Verdin	Young

Total--21

The amendment was not adopted.

Amendment No. 148

Senator FANNING proposed the following amendment (WAB\419C288.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-18-365(B), as contained in SECTION 6.A., by deleting the subsection and inserting:

/ (B) The department may provide online and printed resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills necessary to be college and career ready. Parent resources must include information that identifies the Lexile scores recommended for specific careers. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Debate was interrupted by adjournment.

Statement by Senator ALEXANDER

150 years ago the Town of West Union in Oconee County was founded. I want to pause to celebrate this great occasion! The Senate of South Carolina congratulates the current town leadership, Mayor Linda Oliver, Council members Bethany James, Doug Moore, Dixie Meeks, Kathy Frederick and all the citizens that call West Union home. We are grateful to what you mean to our great State.

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Further, we recognize individuals who have led and lived in West Union over the years. 150 years is a tremendous milestone in the life of West Union. Also, wishing you a bright and wonderful future with growth and economic prosperity based on the grand foundation of the past 150 years. Celebrations will be held by the city in the months ahead to further recognize this great event in the history of West Union.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Andrew Gellette of Sumter, S.C. Corporal Gellette was an Air Force Veteran and served with the Sumter County Sherriff's Office. He was named employee of the month in 2015 and promoted to corporal in 2016 and in 2018. He was a loving father and husband who will be dearly missed.

ADJOURNMENT

At 5:31 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, February 27, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalms 29:11

“The Lord gives strength to his people; the Lord blesses his people with peace.”

Let us Pray. Gracious and loving God, You know all about us and yet you offer us forgiveness. You know our needs and You grant us Your strength.

You know the challenges we face at home and at work and You assure us of Your intervening help. You know the secret hurt we carry and assure us of Your love and your plan for healing and the peace of placing worries in Your hands.

Lord this legislative body will face big decisions for our State in the upcoming weeks. Remind us that if we seek Your guidance You will show us the way. Give us a renewed vision of the high calling that You have placed before us.

May we attempt great things for You and that all who serve here will receive Your power and Your blessing in what is accomplished, as we ask for and seek your guidance.

In Your holy name we pray. Amen.

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

Point of Quorum

At 11:03 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

RECESS

At 11:04 A.M., on motion of Senator SETZLER, the Senate recessed from business not to exceed 10 minutes.

At 11:14 A.M., the Senate resumed.

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Call of the Senate

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

Alexander	Allen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Grooms	Hembree	Leatherman
Loftis	Martin	Massey
<i>Matthews, Margie</i>	Nicholson	Peeler
Reese	Rice	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Reappointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large - Gubernatorial:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229-3391

Referred to the Committee on Judiciary.

Reappointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large - Gubernatorial:

Ashleigh R. Wilson, 6227 N. Trenholm Rd, Columbia, SC 29206

Referred to the Committee on Judiciary.

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2020, and to expire June 30, 2022

Chairman:

Thomas Scott Beck, 422 Gold Nugget Point, Prosperity, SC 29127

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Referred to the Committee on Judiciary.

Reappointment, South Carolina Workers' Compensation Commission,
with the term to commence June 30, 2020, and to expire June 30, 2026

At-Large :

Thomas Scott Beck, 422 Gold Nugget Point, Prosperity, SC 29127

Referred to the Committee on Judiciary.

Reappointment, South Carolina Workers' Compensation Commission,
with the term to commence June 30, 2020, and to expire June 30, 2026

At-Large :

Aisha K. Taylor, 156 Seaton Ridge Dr., Blythewood, SC 29016

Referred to the Committee on Judiciary.

Reappointment, South Carolina Workers' Compensation Commission,
with the term to commence June 30, 2020, and to expire June 30, 2026

At-Large :

Avery B. Wilkerson, 329 Tamwood Circle, Cayce, SC 29033-1907

Referred to the Committee on Judiciary.

Local Appointment

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

Cheryl Dennis Warren, 1617 Westbrook Dr., Apt. H2, Greenwood,
SC 29649-8977 *VICE* Bartholomew S. McGuire

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4904

Agency: Office of the Attorney General

Chapter: 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

SUBJECT: Procedures for Administrative Hearings before the Securities
Commissioner

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Judiciary

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted February 27, 2020

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Doctor of the Day

Senator GOLDFINCH introduced Dr. Gerald Harmon of Georgetown, S.C., Doctor of the Day.

Leave of Absence

At 11:15 A.M., Senator CROMER requested a leave of absence for Senator CAMPSER for the day.

Leave of Absence

At 1:08 P.M., Senator JACKSON requested a leave of absence for Senator KIMPSON for the balance of the day.

Leave of Absence

At 1:08 P.M., Senator MASSEY requested a leave of absence for Senator MARTIN for the balance of the day.

Leave of Absence

At 1:08 P.M., Senator CLIMER requested a leave of absence for Senator VERDIN for the balance of the day.

Leave of Absence

At 1:08 P.M., Senator McLEOD requested a leave of absence for Senator M.B. MATTHEWS for the balance of the day.

Expression of Personal Interest

Senator NICHOLSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator CROMER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Remarks by Senator SHEALY

Each year, the Children's Committee Report highlights the areas of child well-being where we can make a difference for children while at the same time being smart and fiscally responsible.

For the first time, the committee focuses its entire annual report on children with special needs in South Carolina. This particular group of children and their families navigate a complex, multi-agency system for services and supports and this report looks at the challenges they face

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over the length of their childhood -- from the earliest interventions to the transition to adulthood. Some of the major issues the Children's Committee highlights for further consideration are:

While 2.5% of our preschoolers are receiving early intervention services and 13% of our children ages 3 - 21 are receiving educational supports, we know that upwards of 42% of our children have special health care needs and may need more support than what they currently receive.

Children with disabilities are 3.4 times more likely to be abused or neglected and are also more likely to be incarcerated. Our child welfare and juvenile justice agencies have significant responsibilities in caring for these children but keeping children from entering those systems is critical.

We know many disabilities can be avoided by regular prenatal care, keeping children away from lead and other environmental hazards, and preventing serious injuries that disable children in motor vehicle and other types of accidents.

We know that our children need not only doctors and nurses, behavioral health professionals, and other healthcare workers, but also special education teachers. As many as 1 in 5 special education teaching jobs go unfilled in our State each year.

Our State has the sixth highest unemployment rate for people with disabilities in the country -- over 67%. In order to combat that, we must prepare our children with disabilities by making sure they are participating in career preparation and training programs and tracking their progress.

I hope each of you will take a long look at the information we spent a lot of time preparing for you. Thank you for listening.

On motion of Senator LEATHERMAN, with unanimous consent, the remarks of Senator SHEALY, were ordered printed in the Journal.

Expression of Personal Interest

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

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

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CO-SPONSORS ADDED

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

S. 123	Sen. McLeod
S. 389	Sen. Davis
S. 900	Sen. Harpootlian
S. 1042	Sen. Harpootlian
S. 1088	Sen. Shealy
S. 1099	Sen. Reese

RECALLED

H. 4109 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TILLMAN AVENUE IN THE TOWN OF VARNVILLE FROM ITS INTERSECTION WITH WEST PINE STREET TO ITS INTERSECTION WITH HAMPTON ROAD "H. J. BROOKS AVENUE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

There was no objection.

RECALLED

H. 4762 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT SIGNS ALONG THE PORTION OF SOUTH CAROLINA HIGHWAY 63 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 278 TO ITS INTERSECTION WITH BROOKWOOD DRIVE CONTAINING THE WORDS "HOME OF DWIGHT SMITH #7 ATLANTA BRAVES WORLD SERIES CHAMPION 1995".

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

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

There was no objection.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1130 -- Senators Loftis and Corbin: A SENATE RESOLUTION TO PROCLAIM WEDNESDAY, MARCH 11, 2020, AS "SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS DAY" THROUGHOUT THE STATE AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS TO THE PALMETTO STATE.

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The Senate Resolution was adopted.

S. 1131 -- Senator Turner: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 16 AND THURSDAY, NOVEMBER 19 AND FRIDAY, NOVEMBER 20, 2020. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

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The Senate Resolution was introduced and referred to the Committee on Operations and Management.

S. 1132 -- Senators Young, Setzler, Massey, M. B. Matthews and Hutto: A SENATE RESOLUTION TO RECOGNIZE SATURDAY, NOVEMBER 28, 2020, AS "SAVANNAH RIVER SITE DAY" IN SOUTH CAROLINA, IN HONOR OF THE SITE'S FOUNDING ON THAT DATE IN 1950, AND TO COMMEND ALL CURRENT AND FORMER SAVANNAH RIVER SITE EMPLOYEES FOR THEIR IMPORTANT CONTRIBUTIONS TO OUR NATIONAL DEFENSE

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AND GLOBAL NUCLEAR DETERRENCE OVER THE PAST SEVENTY YEARS.

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

S. 1133 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2020 AS "ZERO TOLERANCE FOR LITTER MONTH" IN SOUTH CAROLINA AND TO URGE THE STATE'S LAW ENFORCEMENT OFFICERS TO WORK TOGETHER THIS MONTH AND THROUGHOUT THE YEAR FOR A CLEANER COMMUNITY, THUS PRESERVING THE NATURAL BEAUTY OF OUR COMMUNITY, OUR STATE, AND OUR COUNTRY.

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

S. 1134 -- Senator Malloy: A BILL TO AMEND ACT 259 OF 1961, AS AMENDED, RELATING TO THE HARTSVILLE COMMUNITY CENTER BUILDING COMMISSION, SO AS TO INCREASE THE COMMISSION'S MEMBERSHIP FROM THREE TO FIVE MEMBERS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1135 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE THE UNITED BAPTIST DEACONS OF GREATER COLUMBIA UPON THE OCCASION OF ITS TWENTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF SERVICE TO THE COLUMBIA COMMUNITY.

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The Senate Resolution was adopted.

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S. 1136 -- Senators Talley and Turner: A BILL TO ENACT THE "SECOND AMENDMENT PROTECTION ACT", TO AMEND CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO FIREARMS, BY ADDING ARTICLE 9, TO EXCLUDE FROM FEDERAL REGULATION ANY PERSONAL FIREARM, FIREARMS ACCESSORY, OR AMMUNITION MANUFACTURED COMMERCIALY OR PRIVATELY AND OWNED IN THIS STATE, TO PROVIDE THAT ANY PERSONAL FIREARM, FIREARMS ACCESSORY, OR AMMUNITION IS NOT SUBJECT TO ANY FEDERAL LAW, REGULATION, OR AUTHORITY AS LONG AS IT REMAINS WITHIN THE BORDERS OF THIS STATE, TO PREVENT ANY FEDERAL AGENT OR CONTRACTED EMPLOYEE, ANY STATE EMPLOYEE, OR ANY LOCAL AUTHORITY FROM ENFORCING ANY FEDERAL REGULATION OR LAW GOVERNING ANY PERSONAL FIREARM, FIREARMS ACCESSORY, OR AMMUNITION MANUFACTURED COMMERCIALY OR PRIVATELY AND OWNED IN THIS STATE AS LONG AS IT REMAINS WITHIN THIS STATE, TO PROHIBIT ARREST OR DETENTION PRIOR TO A TRIAL FOR VIOLATIONS, TO PROVIDE THAT THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF IN COURT TO ENJOIN CERTAIN FEDERAL OFFICIALS FROM ENFORCING FEDERAL LAW REGARDING A FIREARM, A FIREARMS ACCESSORY, OR AMMUNITION THAT IS MANUFACTURED COMMERCIALY OR PRIVATELY AND OWNED IN THIS STATE AND REMAINS WITHIN THE BORDERS OF THIS STATE.

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

H. 3328 -- Reps. King, Clyburn, Henegan, Garvin, McDaniel, Alexander, Rivers and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-785 SO AS TO PROVIDE STUDENTS DETERMINED ELIGIBLE TO RECEIVE FREE LUNCHES AND STUDENTS DETERMINED ELIGIBLE TO RECEIVE REDUCED PRICE LUNCHES MUST BE OFFERED THE SAME CHOICE OF MEALS AND MILK OFFERED TO CHILDREN WHO PAY THE FULL PRICE FOR THEIR MEALS OR MILK.

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

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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.

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

H. 4758 -- Reps. Lucas, Allison, Clyburn, Trantham and Felder: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-25-25 SO AS TO PROVIDE EDUCATOR PREPARATION PROGRAMS WITHIN INSTITUTIONS OF HIGHER EDUCATION MAY SUBMIT SEPARATE AND DISTINCT EDUCATOR PREPARATION PROGRAMS FOR ALTERNATIVE PREPARATION TO THE STATE

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BOARD OF EDUCATION FOR APPROVAL, TO PROVIDE THESE PROGRAMS ARE NOT REQUIRED TO BE NATIONALLY ACCREDITED BUT MUST MEET CERTAIN OTHER REQUIREMENTS, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION ANNUALLY SHALL REPORT RELATED DATA TO THE STATE BOARD OF EDUCATION AND THE GENERAL ASSEMBLY; AND BY ADDING SECTION 59-26-120 SO AS TO PROVIDE THE DEPARTMENT SHALL PROVIDE CERTAIN EDUCATOR PREPARATION PROGRAMS WITH CERTAIN INFORMATION REGARDING GRADUATES OF THOSE PROGRAMS, TO PROVIDE EDUCATOR PREPARATION PROGRAMS MAY NOT SHARE IDENTIFIABLE EDUCATOR DATA WITH THIRD PARTIES WITHOUT WRITTEN CONSENT, AND TO PROVIDE THIS INFORMATION IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT.

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

H. 4761 -- Reps. Lucas, Allison, Chellis, Clyburn, Trantham, Felder, Clary and Calhoun: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-155-155 SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL APPROVE NO MORE THAN FIVE RELIABLE AND VALID EARLY LITERACY AND NUMERACY SCREENING ASSESSMENT INSTRUMENTS FOR SELECTION AND USE BY SCHOOL DISTRICTS FOR KINDERGARTEN THROUGH THIRD GRADE, AND TO PROVIDE REQUIREMENTS FOR SUCH INSTRUMENTS; TO AMEND SECTION 59-33-510, RELATING TO DEFINITIONS CONCERNING THE UNIVERSAL SCREENING PROCESSES USED IN PUBLIC SCHOOL DISTRICTS FOR STUDENTS EXPERIENCING ACADEMIC OR SOCIAL-EMOTIONAL DIFFICULTIES, SO AS TO PROVIDE ALL RELATED SCREENING TOOLS MUST BE CAPABLE OF IDENTIFYING STUDENTS WITH DYSLEXIA OR OTHER READING DISORDERS; TO AMEND SECTION 59-155-110, RELATING TO THE READ TO SUCCEED OFFICE, SO AS TO CORRECT A TYPOGRAPHICAL ERROR; TO AMEND SECTION 59-155-120, RELATING TO DEFINITIONS IN THE READ TO SUCCEED ACT, SO AS TO REVISE DEFINITIONS; TO AMEND SECTION 59-155-130, RELATING TO DUTIES OF THE READ TO SUCCEED OFFICE, SO AS TO REVISE THE REQUIREMENTS CONCERNING COURSEWORK NECESSARY FOR LITERACY

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ADD-ON ENDORSEMENTS AND TO REVISE REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT IN READING AND COACHING FOR CERTIFIED READING/LITERACY COACHES AND LITERACY TEACHERS; TO AMEND SECTION 59-155-140, RELATING TO THE STATE READING PROFICIENCY PROGRAM, SO AS TO REMOVE THE USE OF BOOK CLUBS FOR CERTAIN REQUIRED SUPPLEMENTAL INSTRUCTION; TO AMEND SECTION 59-155-150, RELATING TO THE READINESS ASSESSMENT PROVIDED BY THE READ TO SUCCEED ACT, SO AS TO REVISE THE REQUIREMENTS FOR SCREENING AND DIAGNOSTIC ASSESSMENTS AND INTERVENTIONS; TO AMEND SECTION 59-155-160, RELATING TO MANDATORY STUDENT RETENTION PROVISIONS OF THE READ TO SUCCEED ACT, SO AS TO REVISE CRITERIA FOR RETENTION AND EXEMPTIONS FROM RETENTION, TO ELIMINATE AN APPEALS PROCESS, AND TO REVISE CRITERIA FOR INTENSIVE INSTRUCTIONAL SERVICES AND SUPPORT PROVIDED TO RETAINED STUDENTS; AND TO AMEND SECTION 59-155-180, RELATING TO PROVISIONS CONCERNING TEACHER EDUCATION PROGRAMS IN THE READ TO SUCCEED ACT, SO AS TO REMOVE THE REQUIREMENT THAT READING/LITERACY COACHES BE EMPLOYED IN ALL ELEMENTARY SCHOOLS, TO REVISE REQUIREMENTS CONCERNING THE ROLES AND FUNCTIONS OF READING/LITERACY COACHES, TO PROVIDE MEASURES TO ENSURE TEACHER CANDIDATES UNDERSTAND THE FOUNDATIONS OF READING AND ARE PREPARED TO TEACH READING TO ALL STUDENTS, AND TO PROVIDE THE COMMISSION ON HIGHER EDUCATION AND THE LEARNING DISORDERS TASK FORCE ANNUALLY SHALL ASSESS THE EFFECTIVENESS OF TEACHER EDUCATION PROGRAMS IN PREPARING TEACHERS TO DIAGNOSE READING PROBLEMS IN STUDENTS AND PROVIDE APPROPRIATE INTERVENTIONS, AND TO PROVIDE THE COMMISSION SHALL REPORT FINDINGS OF THIS ASSESSMENT TO THE STATE DEPARTMENT OF EDUCATION AND TO THE GENERAL ASSEMBLY.

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

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H. 4765 -- Reps. Brawley, King, McKnight, Pendarvis, Cobb-Hunter, Trantham, Alexander, Brown, Thigpen, Henegan, McDaniel, Collins, Kimmons, Bernstein, Gilliard, Henderson-Myers, S. Williams, Rivers, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-785 SO AS TO PROVIDE PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS MAY NOT USE DEBT COLLECTION AGENCIES TO COLLECT OR ATTEMPT TO COLLECT OUTSTANDING DEBTS ON STUDENT SCHOOL LUNCH OR BREAKFAST ACCOUNTS, TO PROVIDE PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS MAY NOT ASSESS OR COLLECT ANY INTEREST, FEES, OR OTHER SUCH MONETARY PENALTIES FOR OUTSTANDING DEBTS FOR STUDENT SCHOOL LUNCH OR BREAKFAST ACCOUNTS, AND TO PROVIDE THE PROVISIONS OF THIS ACT APPLY TO DEBTS ON STUDENT LUNCH AND BREAKFAST ACCOUNTS OUTSTANDING ON THE EFFECTIVE DATE OF THIS ACT AND INCURRED AFTER THE EFFECTIVE DATE OF THIS ACT.

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

H. 5303 -- 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 CONGRATULATE SOUTH CAROLINA'S 2020 DISTRICT TEACHERS OF THE YEAR UPON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO

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CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

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

REPORT OF STANDING COMMITTEE

Senator MARTIN from the Committee on Corrections and Penology polled out H. 3967 favorable:

H. 3967 -- Reps. Mace, Trantham, Kimmons, Crawford, Henderson-Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb-Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Simmons, G.R. Smith, Garvin, Rose, B. Cox, Caskey, Moore and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-35 SO AS TO PROVIDE METHODS OF RESTRAINING INMATES WITH A CLINICAL DIAGNOSIS OF PREGNANCY OR IN POSTPARTUM RECUPERATION.

**Poll of the Corrections and Penology Committee
Polled 17; Ayes 17; Nays 0**

AYES

Martin	Allen	Shealy
Turner	Kimpson	Margie Matthews
Davis	Nicholson	Fanning
McLeod	Rice	Senn
Cash	Goldfinch	Harpootlian
Hembree	Loftis	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

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

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

Amendment No. 89

Senators MARTIN, ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, GROOMS, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, LOFTIS, MALLOY, MASSEY, JOHN MATTHEWS, MARGIE BRIGHT MATTHEWS, McELVEEN, McLEOD, NICHOLSON, PEELER, RANKIN, REESE, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, SHEHEEN, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG proposed the following amendment (419R081.SP.SRM), which was adopted:

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

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

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

Renumber sections to conform.

Amend title to conform.

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Senator MARTIN spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 59

Senator MARTIN proposed the following amendment (419R060.SP.SRM), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 49, relating to school start date, and inserting:

/SECTION 49. Section 59-1-425(A) of the 1976 Code is amended to read:

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

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

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

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Amendment No. 121A

Senator HEMBREE proposed the following amendment (419R102.SP.GH), which was adopted:

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

/SECTION __. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59-155-220. (A) There is created the South Carolina Reading Panel to provide support and assistance to the department. The reading panel shall be composed of ten members appointed by the State Board of Education upon the recommendation of the State Superintendent of Education. Members must include individuals who have the highest expertise on reading instruction and shall include:

(1) three members from public or private institutions of higher education who are recommended to the State Superintendent of Education by the Commission on Higher Education;

(2) three members who are responsible for district reading plans or have exceptional reading expertise; and

(3) at least three members who are classroom teachers or reading interventionists.

(B) Members shall serve two-year terms and may be appointed to successive terms. Members may not receive compensation but may receive per diem and mileage, as provided for boards and commissions. A vacancy must be filled in the manner of the original appointment.

(C) The reading panel is responsible for the following duties:

(1) reviewing, selecting, summarizing, and disseminating basic research relating to reading, reading growth, reading assessment, and reading instruction that will contribute to an educator’s knowledge of reading, benefit students in this State, and impact policy and practices;

(2) providing technical assistance to the department and written guidance to schools for improving the reading instruction of students in prekindergarten through the twelfth grade; and

(3) reviewing and commenting, in writing, on the State Reading Plan and district and school reading plans.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

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Amendment No. 325

Senator MALLOY proposed the following amendment (419R033.KD.), which was adopted:

Amend the bill, as and if amended, PART IX, page 72, line 24, by adding an appropriately numbered new SECTION to read:

/SECTION_. Section 59-48-70 of the 1976 Code is amended to read:

“Section 59-48-70. (A) The board shall create a development office for the school that will be headed by an executive director. The executive director shall be an employee of the school, shall be hired by the head of the school, and shall serve at his pleasure with a salary that shall be set by the board.

(B) The board may establish and maintain an endowment fund for the school that is subject to the direction of the executive director of the development office and that has the primary purpose of raising funds to support the furtherance of the school’s mission, goals, and objectives. The endowment fund must be organized on a nonprofit basis as a separate legal entity recognized under and in compliance with the laws of this State.

(C)(1) In consultation with the executive director of the development office, the endowment fund must adopt an annual operations and capital budget. Prior to adopting the annual budget and prior to any subsequent proposed material changes to the budget, the head of the endowment fund must meet with the executive director of the development office and the head of the school to review the endowment fund’s proposed budget or changes. The endowment fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided to the foundation by the executive director of the development office and the head of the school.

(2) The endowment fund shall not accept any donations that are restricted in their use unless the proposed restriction is approved by the board prior to its acceptance and unless the funds are being used for a purpose that is needed by the school.

(D) Prior to taking any action on behalf of the school, including fundraising, the board and the endowment fund must enter into a written agreement detailing the corresponding rights, duties, and responsibilities of the endowment fund.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

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The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 331

Senator HEMBREE proposed the following amendment (419R099.SP.GH), which was adopted:

Amend the bill, as and if amended, by striking SECTION 38, relating to Section 59-20-50(4)(b) and its effective date, in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Recorded Vote

Senators TALLEY and SHEALY desired to be recorded as voting against the adoption of the amendment.

Amendment No. 91

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

Amend the bill, as and if amended, PART III, Read to Succeed Initiative, by striking SECTION 13, relating to requirements for scientific and evidence-based interventions, and inserting:

/SECTION 13. Section 59-155-130(3) and (4) of the 1976 Code is amended to read:

“(3) working collaboratively with institutions of higher ~~learning~~ education offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading-literacy to design coursework leading to a literacy teacher add-on endorsement by the State. The coursework must be founded on evidence-based interventions, including the use of data to identify struggling readers and to inform instruction;

(4) providing professional development on evidence-based interventions, including the use of data to identify struggling readers and to inform instruction in reading and coaching for already certified reading/literacy coaches and literacy teachers;” /

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Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

On motion of Senator CROMER, with unanimous consent, the amendment was withdrawn.

Amendment No. 92

Senator CROMER proposed the following amendment (419R086.SP.RWC), which was adopted:

Amend the bill, as and if amended, PART III, relating to the Read to Succeed Initiative, SECTION 17.A, by striking Section 59-155-160(A)(4) and inserting:

/ (4) who have received two years of reading intervention ~~and~~
or were previously retained; /

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 93

Senator CROMER proposed the following amendment (419R085.SP.RWC), which was adopted:

Amend the bill, as and if amended, PART III, the Read to Succeed Initiative, by striking SECTION 15A, relating to Section 59-155-150(B), and inserting:

/SECTION 15. A.Section 59-155-150(B) of the 1976 Code is amended to read:

“(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon ~~formal diagnostic assessments or through teacher observations~~ the universal screening process, as defined in Section 59-33-510(7), and, if indicated, diagnostic assessments and teacher observations, must be provided intensive in-class and supplemental reading intervention immediately upon determination. These assessments may be used to satisfy the screening

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requirements provided in Article 5, Chapter 33 of this title. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district's reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in-class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade level independently. In addition, the parent or guardian of the student must be notified, in writing, of the child's inability to read grade-level texts, the interventions to be provided, and the child's reading abilities at the end of the planned interventions. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure that the student is on track to be reading on grade level by the end of the third grade. In addition to students enrolled in the third grade and pursuant to Section 59-155-160(C), each district must offer a summer reading camp as an intervention for any student enrolled in kindergarten, first, or second grade who is substantially not demonstrating proficiency in reading, based upon the universal screening process, as defined in Section 59-33-510(7), and, if indicated, diagnostic assessments and teacher observations, at no cost to the student. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office." /

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 94

Senator CROMER proposed the following amendment (419R088.SP.RWC), which was adopted:

Amend the bill, as and if amended, PART III, relating to the Read to Succeed Initiative, SECTION 17.A, by striking Section 59-155-160(A)(5).

Renumber sections to conform.

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Amend title to conform.

Senator HEMBREE spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 123

Senators SHEHEEN, MALLOY, TURNER, TALLEY, SETZLER, NICHOLSON, SABB, J. MATTHEWS, BENNETT, CROMER, YOUNG, WILLIAMS, ALEXANDER, PEELER, JOHNSON and REESE proposed the following amendment (419R096.SP.RT), which was adopted:

Amend the bill, as and if amended, PART IX, Miscellaneous, by adding an appropriately numbered new SECTION to read:

/SECTION __. A. Section 59-156-120 of the 1976 Code is amended to read:

“Section 59-156-120. ~~(A)(1)~~ The South Carolina Child Early Reading Development and Education Program ~~first~~ must be made available to eligible children statewide ~~from the following eight trial districts in Abbeville County School District et al vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.~~

~~(2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 School Year, then in the plaintiff districts having proportionally the largest population of underserved at risk four year old children.~~

~~(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.~~

~~(B)~~ Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers,

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especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.”

B. Section 59-156-130(A) of the 1976 Code is amended to read:

“Section 59-156-130. (A) Each child ~~residing in the program’s district,~~ who has attained the age of four years on or before September first of the school year and meets the at-risk criteria, is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year.”

C. Section 59-156-140(B)(8) of the 1976 Code is amended to read:

“(8) be approved, registered, or licensed by the Department of Social Services, except for public and independent schools; and”

D. Section 59-156-230 of the 1976 Code is amended to read:

“Section 59-156-230. The Department of Social Services shall:

- (1) maintain a list of all approved ~~public and private~~ providers; and
- (2) provide ~~the Department of Education and~~ the Office of First Steps information necessary to carry out the requirements of this chapter.

E. This SECTION takes effect upon approval by the Governor and applies to school years beginning not later than 2021-2022. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

Senator CASH spoke on the amendment.

The question was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	McElveen

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McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

Total--40

NAYS

Cash

Total--1

The amendment was adopted.

Amendment No. 3

Senator CROMER proposed the following amendment (419R012.SP.RWC), which was withdrawn:

Amend the bill, as and if amended, page 64, by striking SECTION 46 in its entirety and inserting:

/SECTION 46. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007-2008 school year,~~ the opening date for students must not be ~~before the third~~ before the second Monday in August, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local

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board policy and does not have to be uniform among the schools in the district.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER spoke on the amendment.

On motion of Senator CROMER, with unanimous consent, the amendment was withdrawn.

Amendment No. 330

Senator HEMBREE proposed the following amendment (419R095.SP.GH), which was adopted:

Amend the bill, as and if amended, PART III, the Read to Succeed Initiative, by striking SECTION 17.B., relating to the effective date of Section 59-155-160(A), and inserting:

/B. Section 59-155-160(A) takes effect beginning in the 2021-2022 school year. For the 2021-2022 school year only, Section 59-155-160(A) applies to first-time third graders who have not previously been retained. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 65

Senator HUTTO proposed the following amendment (419R066.SP.CBH), which was withdrawn:

Amend the bill, as and if amended, PART III, Read to Succeed, SECTION 18.A., page 26, by striking Section 59-155-160(B)(4) and inserting:

/ (4) A parent or legal guardian may appeal the decision to retain a student to the ~~district superintendent~~ State Board of Education if there is a legitimate and compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the ~~district superintendent~~ State Board of Education, and

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specify the reasons why the student should not be retained, and include any relevant evidence to support the appeal. The ~~district superintendent~~ State Board of Education shall render a decision and provide copies to the parent or legal guardian, ~~and~~ the principal, and the district superintendent. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the amendment.

On motion of Senator HUTTO, with unanimous consent, the amendment was withdrawn.

Amendment No. 90

Senator BENNETT proposed the following amendment (419R076.SP.SMB), which was withdrawn:

Amend the bill, as and if amended, PART IX, Miscellaneous, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 59-63-335 of the 1976 Code is amended to read:

“Section 59-63-335. (A) Failure of a school administrator to report criminal conduct as set forth in Section 59-24-60 or failure to report information concerning school-related crime pursuant to Section 59-63-330 shall subject the administrator and the school district to liability for payment of a party's attorney's fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with Section 59-24-60 or 59-63-330.

(B) If a school district fails to report criminal conduct as set forth in Section 59-24-60 or fails to report information concerning school-related crime pursuant to Section 59-63-330, then the State Department of Education shall withhold one percent of the school district's funds allocated to the Education Finance Act formula as provided in the annual appropriations bill providing for state aid to classrooms.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator BENNETT, with unanimous consent, the amendment was withdrawn.

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Amendment No. 160

Senator FANNING proposed the following amendment (WAB\419C043.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION ____ . Article 1, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-60. No student-teacher classroom ratio created by statute, resolution, or regulation may be waived or otherwise changed temporarily or permanently by any legislative measure absent a two-thirds vote of approval by the membership of the House of Representatives and a two-thirds vote of approval by the membership of the Senate.”/

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question was the adoption of the amendment.

The amendment was not adopted.

Recorded Vote

Senators CLIMER, TALLEY and BENNETT desired to be recorded as voting in favor of the adoption of the amendment.

Amendment No. 40A

Senator RICE proposed the following amendment (419R065.SP.RFR), which was adopted:

Amend the bill, as and if amended, PART IX, Miscellaneous, pages 75-76, by striking SECTION 56, relating to a Legislative Audit Council study and report, and inserting:

/SECTION 56. A. Section 59-1-495 of the 1976 Code is amended to read:

“Section 59-1-495. (A) The General Assembly directs the State Superintendent of Education, the Executive Director of the Education Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee to be chaired by the appointee of the State Superintendent of Education to review Title 59 of the South Carolina Code of Laws and report to the

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General Assembly all statutes that are obsolete or no longer applicable. In addition, the report must identify all the federal education statutes and regulations with which the State of South Carolina is required to comply. The committee, with the assistance of the Revenue and Fiscal Affairs Office, must include in the report the total cost to the State of South Carolina to comply with the identified federal education statutes and regulations. This report must be submitted by December 31, 2016, and updated at least every five years thereafter.

(B) With the assistance of the Revenue and Fiscal Affairs Office, the State Department of Education will annually report by December thirty-first the federal funding streams for programs and grants for elementary and secondary education in this State to the General Assembly. The report must include:

(1) the amount of federal funding provided to the State Department of Education that flows through to each school district;

(2) the applicable maintenance of state support, maintenance of local effort, and matching required by any applicable grant, and uses of these funds by state and local school districts;

(3) compliance activities conducted by the State; and

(4) the available outcome data and information applicable to each grant.”

B.Section 59-1-495(B) of the 1976 Code takes effect on August 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 88

Senator DAVIS proposed the following amendment (419R080.SP.TD), which was withdrawn:

Amend the bill, as and if amended, PART VI, Educator Development, Satisfaction, and Initiatives, relating to alternative route providers, by striking SECTIONS 30-31 and inserting:

/SECTION 30. Section 59-5-60(4) of the 1976 Code is amended to read:

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“(4) Prescribe and enforce rules for the examination and certification of teachers, including for alternative route providers and programs other than those approved pursuant to Sections 59-25-310 through 59-25-360.”

SECTION 31. Section 59-25-110 of the 1976 Code is amended to read:

“Section 59-25-110. The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers, including for alternative route providers and programs other than those approved pursuant to Sections 59-25-310 through 59-25-360.” /

Amend the bill further, as and if amended, SECTION 32, relating to educator preparation programs, by striking Section 59-25-115(A) and inserting:

/ “Section 59-25-115. (A) For the purposes of this section, an ‘educator preparation program’ is a state-approved program housed at a college or university or an alternative route program as defined in Section 59-25-25, other than those approved pursuant to Sections 59-25-310 through 59-25-360.” /

Amend the bill further, as and if amended, SECTION 34, relating to alternative route providers, by adding an appropriately lettered new subsection to Section 59-25-25 to read:

/ () The provisions of this section do not apply to programs established pursuant to Article 4, Chapter 25, Title 59.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

On motion of Senator DAVIS, with unanimous consent, the amendment was withdrawn.

Amendment No. 332

Senators HEMBREE and SETZLER proposed the following amendment (419R100.SP.GH), which was adopted:

Amend the bill, as and if amended, by striking SECTION 43, relating to Section 59-26-125, in its entirety, and inserting:

/SECTION 43. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-125. The State Department of Education shall pay for fees and costs associated with a first-time teacher certification, as

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provided in Sections 59-26-30 and 59-155-180(C)(5), not to exceed five hundred dollars.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 11

Senator RICE proposed the following amendment (419R011.SP.RFR), which was withdrawn:

Amend the bill, as and if amended, page 71, by striking lines 27-42, and page 72, by striking lines 1-23 and inserting:

/SECTION 52. A.Section 59-1-495 of the 1976 Code is amended to read:

“Section 59-1-495. (A) The General Assembly directs the State Superintendent of Education, the Executive Director of the Education Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee to be chaired by the appointee of the State Superintendent of Education to review Title 59 of the South Carolina Code of Laws and report to the General Assembly all statutes that are obsolete or no longer applicable. In addition, the report must identify all the federal education statutes and regulations with which the State of South Carolina is required to comply. The committee, with the assistance of the Revenue and Fiscal Affairs Office, must include in the report the total cost to the State of South Carolina to comply with the identified federal education statutes and regulations. This report must be submitted by December 31, 2016, and updated at least every five years thereafter.

(B) With the assistance of the Revenue and Fiscal Affairs Office, the State Department of Education will annually report the federal funding streams for programs and grants for elementary and secondary education in this State to the General Assembly. The report must include:

(1) the amount of federal funding provided to the State Department of Education that flows through to each school district;

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(2) the applicable maintenance of state support, maintenance of local effort, and matching required by any applicable grant, and uses of these funds by state and local school districts;

(3) compliance activities conducted by the State; and

(4) the available outcome data and information applicable to each grant.”

B. Section 59-1-495(B) of the 1976 Code takes effect on August 1, 2021. /

Renumber sections to conform.

Amend title to conform.

On motion of Senator RICE, with unanimous consent, the amendment was withdrawn.

Amendment No. 38

Senator MASSEY proposed the following amendment (419R054.SP.ASM), which was adopted:

Amend the bill, as and if amended, PART IX, Miscellaneous, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 1, Chapter 24, Title 59 of the 1976 Code is amended by adding:

“Section 59-24-45. The State Department of Education shall develop uniform criteria and statewide performance standards for local school districts to use when assisting, developing, and evaluating district superintendents. Local school districts shall annually evaluate district superintendents and must provide results in writing to each district superintendent. Each evaluation must also include an individualized professional development plan for the district superintendent that considers the district’s strategic plan.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The question was the adoption of the amendment.

The amendment was adopted.

Amendment No. 118

Senators McELVEEN and McLEOD proposed the following amendment (419R034.SP.JTM), which was withdrawn:

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Amend the bill, as and if amended, page 76, line 7, by adding an appropriately numbered new SECTION to read:

/SECTION __. A. Title 11 of the 1976 Code is amended by adding:

“CHAPTER 58

South Carolina Education Bank Act

Section 11-58-100. This chapter may be referred to as the ‘South Carolina Education Bank Act.’

Section 11-58-110. (A) There is created a body corporate and politic and an instrumentality of the State to be known as the South Carolina Education Bank.

(B) The bank is governed by a board as provided in this chapter.

(C) The corporate purpose of the bank is to select and assist in financing qualified projects by distributing funds collected by the bank to government units and private entities for constructing and improving education-related facilities necessary for public education purposes. The exercise by the bank of a power conferred in this chapter is an essential public function.

(D) The bank shall establish and maintain an interest-bearing state education account.

Section 11-58-120. As used in this chapter unless the context clearly indicates otherwise:

(1) ‘Bank’ means the South Carolina Education Bank.

(2) ‘Board’ means the board of directors of the bank.

(3) ‘Department’ or ‘state department’ means the State Department of Education.

(4) ‘Eligible cost’ means the costs for a qualified project that are permitted under applicable laws, requirements, procedures, and guidelines in regard to establishing, operating, and providing assistance from the bank, including the costs of preliminary engineering, environmental studies, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, and other costs necessary for the qualified project.

(5) ‘Eligible project’ means a capital development or improvement made to school-related infrastructure in a county. An eligible project does not include infrastructure maintenance or construction of recreational facilities.

(6) ‘Government unit’ means a local school district board, municipal corporation, or county in this State, including combinations of two or more of these entities acting jointly to construct, own, or operate

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a qualified project, and any other state or local authority, board, commission, agency, or department created by the General Assembly or pursuant to the Constitution and laws of this State that may construct, own, or operate a qualified project.

(7) 'Private entity' means a private person or entity that has entered into a contract with a government unit to design, finance, or construct an eligible project that is within the jurisdiction of the government unit that is responsible for complying with applicable statutory requirements.

(8) 'Qualified project' means an eligible project that has been selected by the bank to receive a disbursement from the bank.

Section 11-58-130. (A) The board is the governing board of the bank and consists of seven voting members as follows:

(1) the secretary of the department, ex officio;

(2) one member appointed by the Governor who shall serve as chairman;

(3) one member appointed by the Governor;

(4) one member appointed by the Speaker of the House of Representatives;

(5) one member of the House of Representatives appointed by the Speaker, ex officio;

(6) one member appointed by the President of the Senate; and

(7) one member of the Senate appointed by the President of the Senate, ex officio.

(B) Members appointed by the Governor, the Speaker of the House, and the President of the Senate shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointment for the remainder of the unexpired term.

(C) The board must elect a vice chairman.

Section 11-58-140. (A) The bank has all power necessary, useful, or appropriate to fund, operate, and administer the bank and to perform its other functions, including, but not limited to, the power to:

(1) have perpetual succession;

(2) adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in this chapter for the administration of the bank's affairs and the implementation of its functions, including the right of the board to select qualifying projects and distribute funds;

(3) sue and be sued in its own name;

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(4) have a seal and alter it at its pleasure, although the failure to affix the seal does not affect the validity of an instrument executed on behalf of the bank;

(5) establish policies and procedures for distributing funds and fiscal controls and establish accounting procedures to ensure proper accounting and reporting by the bank, government units, and private entities;

(6) expend funds credited to the bank as the board determines necessary for the costs of administering the operations of the bank; and

(7) do all other things necessary or convenient to exercise powers granted or reasonably implied by this chapter.

(B) The bank is not authorized or empowered to be or to constitute a bank or trust company within the jurisdiction or under the control of the State or an agency of it or the Comptroller of the Currency or the Treasury Department of the United States, or a bank, banker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers' law of the United States or this State.

(C) The bank is subject to the provisions of Article 1, Chapter 23, Title 1, the Administrative Procedures Act.

Section 11-58-150. The bank shall be funded by ten percent of fees collected annually from any fees in lieu of taxes collected under state law. The bank may also receive contributions and donations from government units, private entities, and any other source as may become available to the bank including, but not limited to, appropriations from the General Assembly. Funds shall be distributed in a pro-rata share to qualified projects in areas in which funds are collected but may not exceed an amount equal to the initial investment. In distributing these funds, the bank must give priority to projects located in Tier III and IV counties.

Section 11-58-160. The board is not subject to any liability resulting from carrying out any of the powers given in this chapter while acting within the scope of this authority.

Section 11-58-170. All money of the bank must be deposited with and invested by the State Treasurer. Funds of the bank not needed for immediate use or disbursement may be invested by the State Treasurer in obligations or securities that are declared to be legal obligations by the provisions of Section 11-9-660.

Section 11-58-180. Following the close of each fiscal year, the bank shall submit an annual report of its activities for the preceding year to the Governor and the General Assembly. An independent certified public

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accountant shall perform an audit of the books and accounts of the bank at least once in each fiscal year.

Section 11-58-190. If a local school district board is submitting a request for funds from the bank for a project, then the local school district board must include justification for the project and projected costs and timelines and must provide a copy of the request to the local legislative delegation.”

B. This SECTION is effective upon approval by the Governor and applies to all fees in lieu of taxes that are collected after the effective date. /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN spoke on the amendment.

Point of Order

Senator HEMBREE raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator McELVEEN spoke on the Point of Order.

On motion of Senator McELVEEN, with unanimous consent, the amendment was withdrawn.

Amendment No. 124

Senators SHEALY and YOUNG proposed the following amendment (419R097.SP.KS), which was withdrawn:

Amend the bill, as and if amended, Part III, the Read to Succeed Initiative, SECTION 17, by striking Section 59-155-160(A)(5)(d) and inserting:

/ (d) be an organized collection of evidence of the student’s mastery of the state English/language arts standards that are assessed by the third-grade statewide English language arts assessment. For each standard, there must be at least five work samples of mastery in which the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required, and a single piece of evidence may be used to show mastery of multiple standards; and /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY spoke on the amendment.

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On motion of Senator SHEALY, with unanimous consent, the amendment was withdrawn.

Amendment No. 112

Senators SHEHEEN, TURNER, and TALLEY proposed the following amendment (419R057.SP.RT), which was withdrawn:

Amend the bill, as and if amended, PART IX, Miscellaneous, by adding an appropriately numbered new SECTION to read:

/SECTION __. A.Section 59-156-120 of the 1976 Code is amended to read:

“Section 59-156-120. ~~(A)(1)~~The South Carolina Child Early Reading Development and Education Program ~~first~~ must be made available to eligible children ~~statewide from the following eight trial districts in Abbeville County School District et al vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg~~ 3.

~~(2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 School Year, then in the plaintiff districts having proportionally the largest population of underserved at risk four year old children.~~

~~(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.~~

~~(B)~~ Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers, especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.”

B.Section 59-156-130(A) of the 1976 Code is amended to read:

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“Section 59-156-130. (A) Each child ~~residing in the program’s district~~, who has attained the age of four years on or before September first of the school year and meets the at-risk criteria, is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year.”

C. This SECTION takes effect upon approval by the Governor and applies to school years beginning in 2021-2022. /

Renumber sections to conform.

Amend title to conform.

On motion of Senator SHEHEEN, with unanimous consent, the amendment was withdrawn.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**S. 455 -- REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 455 -- Senators Alexander, Climer and Davis: A BILL TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

On motion of Senator DAVIS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

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The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McLeod	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

S. 455 -- Conference Report

The General Assembly, Columbia, S.C., February 4, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 455 -- Senators Alexander, Climer and Davis: A BILL TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED

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FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 5/8/19-S.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act must be known and may be cited as the "Armed Services Members and Spouses Professional and Occupational Licensing Act".

SECTION 2. Article 1, Chapter 1, Title 27 of the 1976 Code is amended by adding:

"Section 27-1-170. (A) Except as provided in subsection (G), and notwithstanding other provisions of law, this section applies to a board, agency, commission, or other entity providing professional licenses or certificates, or both, for the purpose of employment in the State of South Carolina. A board, commission, or agency providing professional licenses or certificates, or both, may promulgate rules in conformity with this section for the purpose of implementing its requirements.

(B) Except as provided in subsection (G), and notwithstanding another provision of law, this section applies to individuals who:

(1) are married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;

(2) have not committed or participated in an act that would constitute grounds for refusal, suspension, or revocation of a professional license or certificate;

(3) have not been disciplined by an authorized entity or are under investigation, in any jurisdiction, in relation to a professional license or certificate; and

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(4) pay any required fee and submit to any required criminal or other background check by an authorized board, commission, or agency in this State.

(C) An eligible individual under subsection (B) who possesses a valid professional or occupational license or certificate in another state, district, or territory of the United States with licensing or certification requirements greater than or substantially similar to the licensing or certification requirements of the appropriate board, commission, or agency in this State must be approved to continue work in that profession or occupation upon relocation to this State for such time as normally allotted with receipt of a license or certificate from the appropriate board, commission, or agency.

(D) Upon completion of an application that documents compliance with the receiving agency's requirements for a certificate or license, an authorized board, commission, or agency shall process the application and issue a license within fifteen business days after receipt of the application.

(E) In addition to general personal information about the applicant, and other documentation satisfying the receiving agency's requirements for a certificate or license, the application must include proof that he:

(1) is married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;

(2) possesses a valid license or certificate in another state, district, or territory of the United States; and

(3) holds the license in subsection (B) in 'good standing' as evidenced by a certificate of good standing from the state, district, or territory of the United States that issued the license.

(F) A board, commission, or agency in this State may establish reciprocity with other states for military spouse professional licensing and certification.

(G) This section does not apply to:

(1) the practice of law or the regulation of attorneys; and

(2) educators.

(H) A license or certificate issued pursuant to this section is valid for the same period of time as a license or certificate issued pursuant to the requirements of the applicable title for the particular profession or occupation.

(I) Nothing in this section prevents a board, commission, or agency from revoking, penalizing, or suspending a license pursuant to the appropriate code sections regulating the particular profession."

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SECTION 3. Section 40-1-630(A) of the 1976 Code is amended to read:

“(A) A board or commission that regulates the licensure of a profession or occupation under Title 40 ~~may~~ shall issue a temporary professional license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.”

SECTION 4. Section 40-1-640(A) of the 1976 Code is amended to read:

“(A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 5. Section 40-33-20(19)(a) of the 1976 Code is amended to read:

“(a) has successfully completed an advanced, organized formal CRNA education program at a minimum of the master’s level accredited by the national accrediting organization of this specialty area and that is recognized by the board;”

SECTION 6. Section 40-33-34(A)(3)(b) of the 1976 Code is amended to read:

“(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. CRNAs who graduate after December 31, 2003, must graduate with a minimum of a master’s degree from a formal CRNA education program for nurse anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;”

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SECTION 7. This act takes effect upon approval by the Governor.

----XX----

Amend title to conform.

/s/Sen. Michael W. "Mike" Gambrell /s/Rep. John Taliaferro "Jay"
West IV Ph.D.

/s/Sen. John L. Scott, Jr. /s/Rep. Micajah P. "Micah"
Caskey, IV

/s/Sen. Tom Davis /s/Rep. Russell L. Ott
On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Cheryl Dennis Warren, 1617 Westbrook Dr., Apt. H2, Greenwood, SC 29649-8977 *VICE* Bartholomew S. McGuire

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 1:44 P.M. on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, February 28, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SCOTT.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 1071 Sen. Goldfinch

S. 1076 Sens. J. Matthews and Fanning

MOTION ADOPTED

On motion of Senator SHEALY, the Senate expresses profound sorrow upon the passing of Mr. John Edrington and extends its deepest sympathies to his family and many friends. Mr. Edrington was a beloved and valuable part of Lexington County and South Carolina. His service to others is an example to all, and he will be greatly missed.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SHEALY, the Senate adjourned to meet next Tuesday, March 3, 2020, at 2:00 P.M.

* * *

Tuesday, March 3, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 91:15-16

“When they call to me, I will answer them; I will be with them in trouble, I will rescue them and honor them. With long life I will satisfy them, and show them my salvation.”

Let us pray. Almighty and eternal God, You are our refuge and our strength in times of distress. Our nation and indeed our international community are facing an unknown health emergency.

We pray fervently to You, Lord, that the coronavirus may do no more harm both here and abroad, that Your people all over the world infected with this virus will experience full recovery and that You will sustain and protect the healthcare personnel who are fighting this destructive virus. Inspire those who are working to control this virus and guide and direct all nations to work in unity to stop its spread. For it is times such as this that we humbly acknowledge that we are indeed not the masters of our own destiny -- our hope and our trust is ultimately in Your sovereign care. This we pray in Your holy name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SCOTT moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campbell	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Hembree	Hutto	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
McElveen	Peeler	Rice

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Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Recorded Presence

Senator GROOMS recorded his presence subsequent to the Call of the Senate.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Richard Craig Threatt, 79 Meadow Lane, Bamberg, SC 29003-2423
VICE Richard Craig Threatt (retired)

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4952

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-37-60, and 58-41-20

SUBJECT: Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts

Received by Lieutenant Governor February 28, 2020

Referred to Committee on Judiciary

REGULATION WITHDRAWN

The following was received:

Document No. 4884

Agency: Commission on Indigent Defense

Chapter: 70

Statutory Authority: 1976 Code Sections 17-3-10, 17-3-20, 17-3-45, and 17-3-310

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SUBJECT: Indigent Screening Process
Received by Lieutenant Governor January 14, 2020
Referred to Committee on Judiciary
Legislative Review Expiration: Permanently Withdrawn
Permanently Withdrawn February 20, 2020

Doctor of the Day

Senator MARTIN introduced Dr. Jennifer Root of West Columbia, S.C., Doctor of the Day.

Leave of Absence

At 2:36 P.M., Senator CORBIN requested a leave of absence for Senator LOFTIS until 3:30 P.M.

Leave of Absence

At 4:40 P.M., Senator McLEOD requested a leave of absence for Senator M.B. MATTHEWS for the balance of the day.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 389	Sen. Corbin
S. 511	Sen. Fanning
S. 1018	Sen. McLeod
S. 1088	Sen. Young

RECALLED

S. 1133 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2020, AS "ZERO TOLERANCE FOR LITTER MONTH" IN SOUTH CAROLINA AND TO URGE THE STATE'S LAW ENFORCEMENT OFFICERS TO WORK TOGETHER THIS MONTH AND THROUGHOUT THE YEAR FOR A CLEANER COMMUNITY, THUS PRESERVING THE NATURAL BEAUTY OF OUR COMMUNITY, OUR STATE, AND OUR COUNTRY.

Senator SENN asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Judiciary.

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The Senate Resolution was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1137 -- Senator Cash: A BILL TO AMEND CHAPTER 89, TITLE 44 OF THE 1976 CODE, RELATING TO THE BIRTHING CENTER LICENSURE ACT, BY ADDING ARTICLE 3, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS TO INTEGRATE BIRTHING CENTERS AND LICENSED MIDWIVES INTO PERINATAL CARE SERVICES, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Medical Affairs.

S. 1138 -- Senator Campbell: A BILL TO AMEND TITLE 55 OF THE 1976 CODE, RELATING TO AERONAUTICS, BY ADDING CHAPTER 10, TO REGULATE THE OPERATION OF AIRCRAFT ENGAGED IN INTERSTATE AIR COMMERCE, INTERSTATE AIR TRANSPORTATION, AND INTRASTATE AIR TRANSPORTATION, TO REQUIRE AN AIRMAN TO MAINTAIN IN HIS POSSESSION CERTAIN DOCUMENTATION REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION, TO REQUIRE THAT CERTAIN DOCUMENTATION REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION IS MAINTAINED IN THE AIRCRAFT, TO PROVIDE FOR ENFORCEMENT, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Transportation.

S. 1139 -- Senator Campbell: A BILL TO AMEND TITLE 55 OF THE 1976 CODE, RELATING TO AERONAUTICS, BY ADDING CHAPTER 12, TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN CLOSE PROXIMITY TO CRITICAL INFRASTRUCTURE, INCLUDING POLITICAL SUBDIVISIONS, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN A MANNER THAT ENDANGERS ANOTHER'S LIFE OR PROPERTY, TO PROHIBIT

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THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, TO PROVIDE THAT THE OPERATION OF AN UNMANNED AIRCRAFT SYSTEM MAY, UNDER CERTAIN CIRCUMSTANCES, VIOLATE A COURT-ISSUED RETRAINING ORDER, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Transportation.

S. 1140 -- Senators Campbell and Grooms: A BILL TO AMEND SECTION 16-11-760(B) OF THE 1976 CODE, RELATING TO VEHICLES PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION, TO PROVIDE THAT ONLY CERTAIN STORAGE COSTS MAY BE CHARGED TO THE OWNER AND LIENHOLDER OF A VEHICLE PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION; TO AMEND SECTION 29-15-10(A), (B), AND (E) OF THE 1976 CODE, RELATING TO LIENS FOR REPAIRS OR STORAGE, TO PROHIBIT THE COLLECTION OF STORAGE COSTS BY A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP PRIOR TO SENDING NOTICE TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5630(A) AND (C) OF THE 1976 CODE, RELATING TO PAYMENTS FOR THE RELEASE OF ABANDONED VEHICLES AND RELATED PROVISIONS, TO PROVIDE THAT A TOWING COMPANY AND STORAGE FACILITY MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5635 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT TOWING AND STORAGE PROCEDURES AND RELATED PROVISIONS, TO PROVIDE THAT A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; AND TO AMEND SECTION 56-5-5640 OF THE 1976 CODE, RELATING TO THE SALE OF UNCLAIMED VEHICLES, TO MAKE CONFORMING CHANGES.

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Read the first time and referred to the Committee on Transportation.

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S. 1141 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE WEDNESDAY, APRIL 1, 2020, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA IN ORDER TO HIGHLIGHT THE SIGNIFICANT PROBLEM OF CHILD ABUSE AND NEGLECT AND THE IMPORTANT WORK BEING DONE TO COMBAT THIS PROBLEM.

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The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

S. 1142 -- Senator Fanning: A SENATE RESOLUTION TO HONOR THE REVEREND JAMES D. LEE, PASTOR OF MOUNT MORIAH BAPTIST CHURCH OF JENKINSVILLE, FOR HIS MANY YEARS OF GOSPEL MINISTRY THROUGHOUT FAIRFIELD COUNTY, TO CONGRATULATE HIM ON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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The Senate Resolution was adopted.

S. 1143 -- Senators Shealy, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LANDIS D. PRICE, A MAN WITH TRUE CHRISTIAN CHARACTER AND EXEMPLARY COMMUNITY CONTRIBUTIONS AND ACHIEVEMENTS, AND TO CONGRATULATE HIM UPON BEING NAMED THE 2020 POULTRY FESTIVAL DISTINGUISHED CITIZEN.

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The Senate Resolution was adopted.

H. 5302 -- 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,

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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 RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM FOR ITS OUTSTANDING CONTRIBUTIONS IN EDUCATING AND TRAINING SOUTH CAROLINA'S WORKFORCE FOR COMPETITIVE, HIGH-DEMAND JOBS IN OUR STATE AND TO DECLARE MARCH 25, 2020, AS "SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM DAY."

The Concurrent Resolution was introduced and referred to the Committee on Education.

H. 5333 -- Reps. Wooten, Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, 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 and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAROLINAS ASSOCIATED GENERAL CONTRACTORS ON THE OCCASION OF THE ORGANIZATION'S CENTENNIAL

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ANNIVERSARY AND TO EXTEND BEST WISHES FOR MUCH CONTINUED SUCCESS IN THE YEARS TO COME.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORT OF STANDING COMMITTEE

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 954 -- Senators Scott and Setzler: A BILL TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., March 3, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

Very respectfully,

Speaker of the House

Received as information.

**S. 16 -- REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT

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OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., March 3, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, INTERRUPTED DEBATE

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT", TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL

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SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Motion Adopted

On motion of Senator FANNING, with unanimous consent, Amendment No. 154 was withdrawn.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, Amendment No. 156 was withdrawn.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to Amendment No. 284.

There was no objection.

Amendment No. 284

Senators FANNING and MARTIN proposed the following amendment(WAB\419C248.AGM.WAB20), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION ____ . Section 59-6-10 of the 1976 Code is amended to read:

~~“Section 59-6-10. (A) In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall:~~

~~(1) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;~~

~~(2) make programmatic and funding recommendations to the General Assembly;~~

~~(3) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs;~~

~~(4) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary.~~

~~Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act~~

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~~funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee.~~

~~The committee consists of the following persons:~~

- ~~(1) Speaker of the House of Representatives or his designee;~~
- ~~(2) President Pro Tempore of the Senate or his designee;~~
- ~~(3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;~~
- ~~(4) Chairman of the Education Committee of the Senate or his designee;~~
- ~~(5) Governor or his designee;~~
- ~~(6) Chairman of the Ways and Means Committee of the House of Representatives or his designee;~~
- ~~(7) Chairman of the Finance Committee of the Senate or his designee;~~
- ~~(8) State Superintendent of Education or the superintendent's designee who shall be an ex officio nonvoting member;~~
- ~~(9) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and~~
- ~~(10) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.~~

~~Initial appointment must be made by July 31, 1998, at which time the Governor or his designee shall call the first meeting. At the initial meeting, a chairman elected from the members representing the business and industry appointees and a vice chairman representing the education members shall be elected by a majority vote of the committee. The members appointed pursuant to items (1) through (8) may serve notwithstanding the provisions of Section 8-13-770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.~~

~~(B) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are~~

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~~appointed and qualify except of those first appointed the terms must be staggered as follows:~~

~~(1) initial terms of two years shall be served by the two members of the business and industry community appointed by the chairmen of the Education Committees;~~

~~(2) initial terms of three years shall be served by the members of the education community appointed by the President Pro Tempore of the Senate and the Speaker of the House; and~~

~~(3) all other voting members shall serve initial four year terms. The terms of chairman and vice chairman shall be two years. At the end of each two year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. No member shall serve more than four consecutive years as chairman or vice chairman.~~

~~Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year. The staff positions of the Education Oversight Committee and the people presently in those positions initially shall be transferred to the Education Oversight Committee as administrative staff to carry out its functions Effective July 1, 2021, the Education Oversight Committee is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the State Department of Education.~~

~~(B)(1) A joint committee must be appointed to review and make recommendations as to which of the functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Department of Education and which functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Board of Education.~~

~~(2) The joint committee shall consist of five members appointed by the Chairman of the House Education and Public Works Committee and five members appointed by the Chairman of the Senate Education Committee. The committee must be co-chaired by one member of the House and one member of the Senate.~~

~~(3) A report must be provided to the Speaker of the House and President of the Senate within ninety days after the first meeting of the joint committee, for the purpose of developing legislation to implement the requirements of subsection (A).~~” /

Renumber sections to conform.

Amend title to conform.

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Senator FANNING spoke on the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 19

AYES

Allen	Bennett	Davis
Fanning	Harpootlian	Hutto
Jackson	Kimpson	Malloy
Martin	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

Total--25

NAYS

Alexander	Campbell	Campsen
Cash	Climer	Corbin
Cromer	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Johnson	Leatherman	<i>Matthews, John</i>
Peeler	Rankin	Rice
Verdin		

Total--19

The amendment was adopted.

Amendment No. 157

Senator FANNING proposed the following amendment (WAB\419C134.AGM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59-59-60(3), as contained in SECTION 25.A., by deleting the item and inserting:

/ (3) review the pathways selected by the district every four years and determine if a different pathway is more appropriate for local

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workforce needs. Each district shall report the process it used in determining whether to keep or replace a pathway to the State Board of Education. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

On motion of Senator FANNING, the amendment was withdrawn.

Amendment No. 158

Senator FANNING proposed the following amendment (WAB\419C309.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 28, page 49, by deleting Section 59-53-30(A) and inserting:

/ “Section 59-53-30. (A) Institutions of the South Carolina Technical Education System ~~shall maintain open admissions policies unless determined to be economically unfeasible by the State Fiscal Accountability Authority and~~ are allowed to have differing admissions policies if necessary to meet local workforce needs and may establish and maintain low tuition and fees in order to provide access to post-secondary education and insure that such educational opportunities shall not be denied to anyone. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Amendment No. 172

Senator FANNING proposed the following amendment (WAB\419C093.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-155-160(A), as contained in SECTION 17, by deleting the subsection and inserting:

/ “Section 59-155-160. (A) Beginning with the 2017-2018 School Year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS). A student may be exempt for

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good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third-grade reading proficiency on the spring or summer administration of an alternative assessment approved by department the board and which teachers may administer following the administration of the state assessment of reading;

(4) who have received two years of reading intervention and were previously retained;

(5) ~~who through a reading portfolio document, the student's mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student's mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria:~~

~~(a) be selected by the student's English/language arts teacher or summer reading camp instructor;~~

~~(b) be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;~~

~~(c) include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or teacher prepared assessments;~~

~~(d) be an organized collection of evidence of the student's mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must~~

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~~be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and~~

~~(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills who, through a reading portfolio, are documented to be reading on grade level and have mastered the third-grade English/language arts standards. A student portfolio for promotion to the fourth grade must:~~

~~(a) consist only of grade-level work selected by the student's teacher from portfolio requirements;~~

~~(b) be an accurate representation of the student's reading ability and only include student work that has been independently produced in the classroom;~~

~~(c) include clear evidence that the standards assessed by the third-grade English/language arts assessment have been met. This clear evidence:~~

~~(i) must include multiple choice items and passages that are approximately fifty percent literary text and fifty percent informational text and that are at least an average of five hundred words; and~~

~~(ii) could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or district or teacher-prepared assessments that meet standards developed and reviewed by the department;~~

~~(d) be an organized collection of evidence of the student's mastery of the state English/language arts standards that are assessed by the third-grade statewide English language arts assessment. For each standard, there must be at least five work samples of mastery in which the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required; and~~

~~(e) be signed by the student's teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the reading achievement level of the student and that the student possesses the required reading skills to be promoted to the fourth grade; and~~

~~(6) who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm-referenced, alternative assessment, selected from a list of norm-referenced, alternative assessments approved by the Read to Succeed Office for use in the summer reading camps, that the student's mastery of the state standards in reading is equal to at least a level above the lowest level on the state reading assessment in English/language arts.~~

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(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student's academic record. This evidence must be limited to the student's individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent's acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(4) A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal.

(5) Each school district superintendent shall annually submit a report including the following information at the school and the district level, for the academic year just completed, to its district board and to the department:

(a) the total number of retention exemptions granted pursuant to this section;

(b) the number of appeals made and the number of appeals granted pursuant to this section;

(c) the academic outcome of students pursuant to subitems (a) and (b), including, but not limited to, state English/language arts summative assessment results in grades four through eight; and

(d) the information in subitems (a) through (c) for the current academic year and the two immediately preceding academic years.

(C)(1) Students eligible for retention under the provisions in Section 59-155-160(A) may enroll in a summer reading camp provided by their

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school district or a summer reading camp consortium to which their district belongs prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. The camps must be taught by compensated teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts also may choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and do not meet the good cause exemption. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the first, second, or third grade and does not meet the good cause exemption.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and writing instruction, supplemental text-based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student's individual reading proficiency skills through small group instruction, reduced teacher-student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure the student is on track to be reading at or above grade level by the end of the school year. The school must report to the Read to Succeed Office

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through the online portal, on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third-grade reading proficiency by the end of the second grading period of the third grade, then:

(1)(a) his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;

(b) within two weeks following the parent/teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference;

(c) following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction; and

(d) recommendations and observations of the principal, teacher, parent or legal guardian, and other school personnel who are working with the child on literacy must be considered when determining whether to retain the student.

(2) The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced-based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and supplementally by teachers with a literacy teacher add-on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school as documented in the district reading plan, and may include book clubs or summer reading camps, or any combination of these strategies.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 13; Nays 32

AYES

Allen	Climer	Fanning
Harpootlian	Hutto	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Reese
Sabb		

Total--13

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Jackson	Leatherman
Martin	Massey	McElveen
Nicholson	Peeler	Rankin
Rice	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--32

Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 179

Senator FANNING proposed the following amendment (WAB\419C034.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION ____ . Chapter 40, Title 59 of the 1976 Code is amended by adding:

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“Section 59-40-237. (A) If a charter school fails to meet any of the provisions of this chapter, the State Superintendent of Education may direct the authorizer of that charter school to withhold not less than ten percent but not more than fifty percent of state funding from that school, depending on the severity of the violation. The determination of exactly what amount to withhold is within the sole discretion of the State Superintendent of Education.

(B) The State Department of Education shall withhold all future revenues from an authorizer that fails to timely comply with a directive by the State Superintendent of Education to withhold funds from a charter school made pursuant to subsection (A). If an authorizer whose funds have been suspended by the department subsequently fully complies with the directive, the department may resume the provision of funding to the authorizer.

(C) The provisions of this section apply notwithstanding another provision of law.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 19; Nays 26

AYES

Allen	Fanning	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Setzler	Sheheen
Williams		

Total--19

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis

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Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Martin	Massey	Peeler
Rankin	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

Total--26

Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 180

Senator FANNING proposed the following amendment (WAB\419C040.AGM.WAB20), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION ____ .A. Section 9-1-1790(A)(2) of the 1976 Code is amended to read:

“(2) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(a) the member retired before January 2, 2013;

(b) the member has attained the age of sixty-two years at retirement; ~~or~~

(c) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction; or

(d) the retired member is a certified educator.”

B. Section 9-11-90(4)(a) of the 1976 Code is amended to read:

“(a)(~~i~~) Notwithstanding the provisions of subsections (1) and (2) of this section, a retired member of the system who has been retired for at least ~~thirty~~ fifteen consecutive calendar days may be hired and return to employment covered by this system or any system provided in this title ~~and may earn up to ten thousand dollars~~ without affecting the monthly retirement allowance the member is receiving from this system. ~~If the retired member continues in service after having earned ten thousand dollars in a calendar year, the member's retirement allowance must be discontinued during the member's period of service in the remainder of the calendar year.~~ If the employment continues for at least forty-eight

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consecutive months, the provisions of Section 9-11-90(3) apply. If a retired member of the system returns to employment covered by the South Carolina Police Officers Retirement System or any other system provided in this title sooner than ~~thirty~~ fifteen consecutive calendar days after retirement, the member's retirement allowance is suspended while the member remains employed by a participating employer of any of these systems. If an employer fails to notify the system of the engagement of a retired member to perform services, the employer shall reimburse the system for all benefits wrongly paid to the retired member.

~~(ii) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:~~

~~(A) the member retired before January 2, 2013;~~

~~(B) the member has attained the age of fifty seven years at retirement; or~~

~~(C) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction." /~~

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Point of Order

Senator ALEXANDER raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 227

Senator FANNING proposed the following amendment (WAB\419C174.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, PART VII, concerning "Local School Boards," by deleting PART VII and SECTION 40, SECTION 41, SECTION 42, SECTION 43, SECTION 44, SECTION 45, SECTION 46, AND SECTION 47 contained in PART VII.

Renumber sections to conform.

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Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 238

Senator FANNING proposed the following amendment (WAB\419C037.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION ____ .A. It is proposed that Section 3, Article XI of the Constitution of this State be amended to read:

“Section 3. The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State so as to provide a high-quality education allowing each student to reach his highest potential, and shall establish, organize and support such other public institutions of learning, as may be desirable.”

B. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 3, Article XI of the Constitution of this State be amended by adding a provision that the General Assembly shall provide for a high-quality education for all children of the State?

Yes ☐

No ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

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Point of Order

Senator HEMBREE raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator FANNING spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator FANNING continued speaking on the amendment.

Senator KIMPSON spoke on the amendment.

Senator DAVIS spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 19; Nays 27

AYES

Allen	Fanning	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Setzler	Sheheen
Williams		

Total--19

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Loftis	Martin	Massey
Peeler	Rankin	Rice
Senn	Shealy	Talley
Turner	Verdin	Young

Total--27

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Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 245

Senator FANNING proposed the following amendment (SA\419C002.RT.SA20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION _____. No provision of the South Carolina Career Opportunity and Access for All Act may be required or implemented until school districts receive full base student cost funding as required by the Education Finance Act of 1977. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator MARTIN spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 9; Nays 35

AYES

Allen	Corbin	Fanning
Harpootlian	Jackson	Malloy
Martin	McLeod	Reese

Total--9

NAYS

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Cromer	Davis	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Loftis
Massey	McElveen	Nicholson
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen

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Talley
Williams

Turner
Young

Verdin

Total--35

Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 289

Senator FANNING proposed the following amendment (WAB\419C266.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, SECTION 17. A., Section 59-155-160(A), page 21, line 43, by deleting / third grade / and inserting / five-year old kindergarten /

Amend the bill further, SECTION 17. A., Section 59-155-160(A), page 22, line 1, by deleting / third grade / and inserting / five-year old kindergarten /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question then was the adoption of the amendment.

Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 326

Senator MALLOY proposed the following amendment (419R032.KD.), which was withdrawn:

Amend the bill, as and if amended, PART IX, page 72, line 24, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 59-117-10 of the 1976 Code is amended to read:

“Section 59-117-10. The board of trustees of the University of South Carolina shall be composed of ~~the Governor of the State (or his designee), the State Superintendent of Education, and the President of the Greater University of South Carolina Alumni Association, which three shall be members ex officio of the board; and seventeen other members including~~ one member from each of the sixteen judicial circuits to be elected by ~~the~~ a general vote of the General Assembly ~~as hereinafter~~

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~~provided, pursuant to Section 59-117-20(A), and one at-large member appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.~~

SECTION __. Section 59-117-20 of the 1976 Code is amended to read:

“Section 59-117-20. (A)(1) The regular term of office of each trustee elected by the General Assembly is four years; however, the trustee shall continue to function as a trustee after his term has expired until his successor is elected and qualifies. ~~Trustees from the first, third, fifth, seventh, ninth, eleventh, twelfth, and thirteenth judicial circuits whose terms expire March 31, 1982, must next be elected for terms commencing on April 1, 1982, and those terms expire on June 30, 1986. Trustees from the second, fourth, sixth, eighth, tenth, fourteenth, fifteenth, and sixteenth judicial circuits elected for terms to commence April 1, 1984, shall have their terms extended to June 30, 1988, and must next be elected for terms commencing on July 1, 1988. Thereafter, the~~

(2) The General Assembly shall hold elections every two years for the purpose of selecting successors of those trustees who are members from each of the sixteen judicial circuits whose terms are then expiring. The term of office of an elective trustee commences on the first day of July of the year in which the trustee ~~under this plan~~ is scheduled to be elected and the term continues until the thirtieth day of June of the year in which the term is scheduled to expire. ~~After its 1984 session, the~~ The General Assembly shall elect successors to those elective trustees whose terms are expiring not earlier than the first day of April of the year the term expires.

(3) In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

(B) The term of office of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. ~~If the Governor, chooses to designate a member to serve in his stead as permitted by Section 59-117-10, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of the Governor making the appointment, so long as he continues to hold the specified office.~~

~~The term of the President of the Greater University of South Carolina Alumni Association is for the active term of office as president.”~~

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SECTION __. Section 59-117-50 of the 1976 Code is amended to read:

“Section 59-117-50. (A) The board of trustees shall meet not less frequently than quarterly, the time and place of each such regular meeting to be fixed by the chairman of the board or otherwise as the board of trustees shall provide. ~~If the Governor chooses to serve as an ex officio member of the board, he shall preside at all regular and special meetings of the board of trustees in which he is in attendance. At those meetings at which the Governor is not in attendance the chairman of the board of trustees shall preside and in his absence such member shall preside as the board may select. The Governor of the State (if serving as an ex officio member of the board), the~~ The chairman of the board of trustees, ~~and the president of the University shall each have~~ has the power to call a special meeting of the board of trustees and to fix the time and place ~~thereof of the meeting~~. Any five members of the board ~~shall~~ likewise ~~have~~ has this power. A majority of the members of the board of trustees shall constitute a quorum for the transaction of all business of the board but not less than a majority vote of the whole board ~~shall be~~ is required for the election or removal of a president. It ~~shall be~~ is the duty of the president and other officers, as well as members of the faculty, to attend meetings of the board at the request of the board of trustees when requested to so.

(B) ~~Notice~~ The secretary or his assistant shall mail notice of the time and place of all meetings, both regular and special meetings, of the board of trustees of the University of South Carolina ~~shall be mailed by the secretary or his assistant~~ to each trustee not less than five days before each meeting ~~thereof.~~” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Amendment No. 328

Senator MALLOY proposed the following amendment (419R101.SP.GM), which was withdrawn:

Amend the bill, as and if amended, by striking PART VII, Local School Boards, and inserting:

/PART VII

Local School Board Accountability

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SECTION 47. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Article 5

Local School Governance

Section 59-19-710. The purpose of this article is to enhance local school governance by promoting the highest standards of ethical behavior and to provide an automatic procedure for addressing instances of deficient local school governance impacting the success of a school district.

Section 59-19-720. For purposes of this article:

(1) ‘Administrator’ means an officer, other than a board member, or employee of a local school district who holds a position which:

(a) requires a certificate that authorizes the holder to serve as school administrator, principal, or school business administrator;

(b) does not require that the person hold any type of certificate but is responsible for making recommendations regarding hiring or the purchase or acquisition of property or services by the local school district; or

(c) requires a certificate that authorizes the holder to serve as supervisor and be responsible for making recommendations regarding hiring or the purchase or acquisition of property or services by the local school district.

(2) ‘Anything of value’ or ‘a thing of value’ has the same meaning as in Section 8-13-100(1).

‘Board member’ means a person holding membership, whether by election or appointment, on a board of education other than the State Board of Education.

(3) ‘Board member’ means a person holding membership, whether by election or appointment, on a board of education other than the State Board of Education.

(4) ‘Business’ means a corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a local school district or another public entity.

(5) ‘Economic interest’ has the same meaning as in Section 8-13-100(11).

(6) ‘Family member’ has the same meaning as in Section 8-13-100(15).

(7) ‘Interest’ means the ownership or control of more than ten percent of the profits, assets, or stock of a business but does not include the control of assets in a labor union.

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(8) 'Local school district' means any school district in the State, including the South Carolina Public Charter School District, but does not include special school districts.

(9) 'Nepotism' means the employment, appointment, promotion, transfer, or advancement of a family member to a position in the school district that a school board member manages or supervises. A school board member may not participate in an action relating to the discipline of a family member.

(10) 'Public official' has the same meaning as in Section 8-13-100(27).

(11) 'School official' includes the superintendent, assistant superintendent, chief finance official or employee, and chief purchasing official or employee of a school district.

(12) 'Spouse' means the person to whom a school official is legally married.

Section 59-19-730. (A) The State Board of Education shall adopt a model code of ethics for local school board members before July 1, 2020. This model code of ethics also shall include appropriate consequences for violations of provisions of the model code. The state board periodically may adopt revisions to the model code as it considers necessary.

(B)(1) A local school board shall adopt a local code of ethics applicable to that board within three months after adoption of the model code by the state board. A local code must include, at a minimum, the model code of ethics.

(2) If the state board adopts a revision to the model code, a local school board shall adopt and incorporate the revision into its local code within three months of the adoption of the revision by the state board.

(3) A local school board only may adopt its local code of ethics or any changes to that local code at a regularly scheduled meeting.

(4) A local school board may not adopt or follow a code of ethics that prevents its members from discussing freely the policies and actions of the board outside of a board meeting, excluding matters discussed in executive session or that are exempt from disclosure under the Freedom of Information Act.

(5) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the State Department of Education within thirty days of adoption.

Section 59-19-740. (A) A local school board shall adopt policies regarding nepotism which, at a minimum, must include the provisions of this section.

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(B) After June 30, 2020, a person who has a family member serving on a local school board, as the district school superintendent, as a principal or assistant principal of a school in the district, or as a member of the district administrative staff is not eligible to serve as a member of the board if the family member's employment with the district begins after December 31, 2020. This provision does not affect the employment of a person employed by the district before June 30, 2020, or who is employed by the district when his family member becomes a member of that local school board.

(C)(1) For a district with a full-time enrollment of fewer than three thousand students in the initial fall enrollment of 2019, the State Board of Education may waive the provisions of subsection (B) at the request of the local school board or an individual attempting to qualify to run for a seat on that board, provided the local school board shall, before submitting a waiver request, provide thirty days' notice of the individual's intent to run for the office and conduct a public hearing for the purpose of providing an opportunity for full discussion and public input on the issue of potential nepotism problems and other concerns regarding the waiver. The public hearing may be conducted in conjunction with a regular or called meeting of the local school board.

(2) A local school board that seeks a waiver pursuant to this subsection shall submit a written waiver request to the State Board of Education that:

- (a) identifies the specific laws, rules, regulations, policies, procedures, or provisions that are requested for the waiver;

- (b) describes the laws, rules, policies, and procedures that the board will substitute for the waived laws, rules, regulations, policies, procedures, or provisions;

- (c) describes any familial relationship that is the subject of the waiver request and the policy for recusal;

- (d) describes how the waiver will improve student performance;

- (e) describes the students who will be affected by the proposed waiver, including their estimated number, current performance, grade level, and any common demographic traits;

- (f) lists by name the schools that will be affected by the proposed waiver, and a description of each school, including current performance, grade levels, and demographic traits of the students of each school;

- (g) describes the methods for collecting data, and for measuring and evaluating any change in student performance resulting from the proposed waiver;

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(h) provides the period of time for which the proposed waiver is requested and the proposed starting date;

(i) provides a resolution adopted by the local school board to approve or disapprove the waiver request, and outlining the reasons for its approval or disapproval; and

(j) describes any public comment received at the public hearing held pursuant to item (1).

(3) The State Board of Education may grant or deny a waiver request, or grant a waiver request subject to specific modifications in the waiver request.

(4) The State Board of Education shall grant or deny a waiver request no later than forty-five days after receipt of the request, taking into consideration whether the benefit to the public would justify approval of the waiver.

(D) After June 30, 2020, a person who has a family member serving on a local school board, hired or promoted as a principal or assistant principal of a school in the district, or hired as a member of the district administrative staff is not eligible to serve as the superintendent of the district if the family member's employment with the district begins after December 31, 2020. This provision does not affect the employment of a person employed by the district before June 30, 2020, or who is employed by the district when his family member becomes a member of that local school board.

Section 59-19-750. (A) To avoid a conflict of interest, a local school board member or school official may not:

(1) use or attempt to use his official position to secure unwarranted privileges, advantages, or employment for himself, his family members, or any others;

(2) act in his official capacity in any matter where he, his family member, or a business organization in which he or his family member has an economic interest that reasonably could be expected to impair his objectivity or independence of judgment;

(3) solicit or accept, or knowingly allow his family member or a business organization in which he or his family member has an economic interest to solicit or accept a gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, political contribution, service, promise of future employment, or other thing of value was given or offered for the purpose of influencing the board member in the discharge of his official duties; provided this item does not apply to the solicitation or acceptance of contributions to the campaign of an

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announced candidate for elective public office if the board member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the board member in the discharge of his official duties;

(4) use, or knowingly be allowed to use, his official position or any information not generally available to the general public which he receives or acquires in the course of and by reason of his official position for the purpose of securing financial gain for himself, his family member, or a business organization with which he is associated;

(5) represent, either in his individual capacity or through a business organization in which he has an interest, a person or party, other than the local school district or its board, with any cause, proceeding, application, or other matter pending before the district in which he serves or in a proceeding involving the district he represents;

(6) be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the board member or his family member in return;

(7) disclose or discuss any information which is subject to attorney-client privilege belonging to the local school board to any person except for other board members, an attorney representing the board, the district superintendent, or any other person designated by the district superintendent for receipt of such disclosures unless the privilege has been waived by a two-thirds vote of the membership of the board then serving;

(8) serve also as an officer of any organization that sells goods or services to the district, excluding not-for-profit organizations;

(9) be considered in conflict with the provisions of this subsection if, by reason of his participation in a matter required to be voted upon, no material or monetary gain accrues to him as a member of a profession, occupation, or group to any greater extent than reasonably could be expected to accrue to another member of that profession, occupation, or group; and

(10) to enable local school superintendents and administrators to effectively perform their duties related to daily operations without undue interference from school board members, a school board member shall:

(a) recognize that the authority of the board only rests with the board as a whole and not with individual board members, and act accordingly;

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(b) support the delegation of authority for day-to-day administration of the school system to the local superintendent, and act accordingly;

(c) honor the chain of command and refer problems or complaints consistent with the chain of command;

(d) recognize that the local superintendent shall serve as secretary, ex officio to the board, and should be present at all meetings of the board except when his contract, salary, or performance is under consideration;

(e) not undermine the authority of the local school superintendent or intrude into responsibilities that properly belong to the local superintendent or school administration, including such functions as hiring, transferring, or dismissing employees; and

(f) use reasonable efforts to keep the local superintendent informed of concerns or specific recommendations that any member of the board may bring to the board.

(B) School board members may create or modify the salary, travel stipend, or other component of the compensation provided to school board members, but such creation or change may not become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the modification, at which time the creation or change becomes effective for all members.

(C) Upon a motion supported by a two-thirds vote of the members present, a local school board shall request that the State Ethics Commission conduct a hearing concerning the violation by a board member of a conflict of interest provision in subsection (A).

Section 59-19-760. (A) The State Department of Education or another public school accrediting agency shall notify the State Board of Education upon placing any district or school on the level of accreditation that immediately precedes the loss of accreditation for school governance reasons. This notice shall include the reason or reasons for the decision of the accrediting agency.

(B) Notwithstanding another provision of law, if a school district or school is placed on the level of accreditation that immediately precedes the loss of accreditation for school governance by an accrediting agency, the local board shall notify the State Board of Education, in writing, within three business days of the placement. This notice shall include the reason or reasons for the decision of the accrediting agency.

(C) The State Board of Education shall conduct a hearing no less than ten days before, but no more than ninety days after, it receives or gives

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the notice provided in subsections (A) and (B), and shall recommend to the Governor whether he should suspend all eligible members of the local board without pay. A majority of the members of a local board of education may petition the State Board of Education to continue any hearing scheduled under this subsection. Upon a showing of good cause, the state board may in its sound discretion continue any such hearing. Notwithstanding another provision of law, deliberations held by the State Board of Education pursuant to this subsection to formulate its recommendation to the Governor may not be open to the public and are not subject to the Freedom of Information Act; provided, however, that testimony must be taken in an open meeting and a vote on the recommendation must be taken in an open meeting following the hearing or at the next regularly scheduled meeting. If the State Board of Education makes a recommendation to suspend, the Governor may, in his discretion, suspend all eligible members, but not selective individual members, of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who are otherwise qualified to serve as members of the board. A temporary replacement member appointed pursuant to this subsection must serve until the completion of the suspension or until the seat becomes vacant, whichever occurs first.

(D) All hearings pursuant to subsection (B) must be conducted by the State Board of Education, a committee of the state board, or a hearing officer appointed by the state board. In conducting a hearing:

(1) the presiding officer shall notify the parties of the time and place of the hearing;

(2) all witnesses shall testify under oath and are subject to cross-examination;

(3) the presiding officer shall require the testimony and other evidence to be transcribed by a court reporter or recorded by other appropriate means;

(4) the strict rules of evidence prevailing in courts of law are not applicable; and

(5) at the conclusion of the hearing, or within fifteen days thereafter, the State Board of Education shall notify the Governor and the parties of its decision in writing.

(E) The provisions of this section apply only to a local school district or school which is placed on the level of accreditation immediately preceding loss of accreditation after July 1, 2020. This section applies only to local board of education members who were serving on the local board at the time the accrediting agency placed the local school system

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or school on the level of accreditation immediately preceding loss of accreditation.”

SECTION 48. Section 59-18-920 of the 1976 Code is amended to read:

“Section 59-18-920. “Section 58-19-920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District or registered institution of higher learning must be included in the overall performance ratings of each school ~~in the South Carolina Public Charter School District~~. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 49. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59-19-55. Trustees and school officials shall comply with the provisions of Articles 1, 7, 11, and 13, Chapter 11, Title 8. For purposes of this section, ‘school official’ has the same meaning as in Section 59-19-720(5).”

SECTION 50. Article 7, Chapter 13, Title 18 of the 1976 Code is amended by adding:

“Section 8-13-810. (A) By July first of each year, the State Board of Education shall notify the State Ethics Commission of any local school board member who has not complied with the provisions of Section 59-19-45. Local school board members who fail to successfully complete the training program must be considered to be in violation of the State Ethics Act and must be assessed a civil penalty as follows:

(1)(a) a fine of one hundred dollars if the training is not completed as provided by law in this chapter; and

(b) after notice has been given by the State Board of Education by certified or registered mail that the training has not been completed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the training is not completed, not exceeding five thousand dollars; and

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(2) after the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(a) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days; and

(c) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) In addition to existing remedies for breach of the ethical standards of this chapter or regulations promulgated hereunder, the State Ethics Commission may impose an oral or written warning or reprimand.

(C) Before a trustee's position with a local school district board may be terminated for a violation of the provisions of this chapter, notice and an opportunity for a hearing must be provided to the trustee."

SECTION 51. Section 1-3-240(A) of the 1976 Code is amended to read:

"(A) Any officer of the county or State, or a local school board member or trustee, except:

(1) an officer whose removal is provided for in Section 3 of Article XV of the State Constitution;

(2) an officer guilty of the offense named in Section 8 of Article VI of the State Constitution; or

(3) pursuant to subsection (B) of this section, an officer of the State appointed by the Governor, either with or without the advice and consent of the Senate; who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity must be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard."

SECTION 52. Section 59-19-45 of the 1976 Code is amended to read:

"Section 59-19-45. (A) Within one year of taking office, all persons elected, reelected, or appointed as members of a school district board of trustees ~~after July 1, 1997~~, regardless of the date of their election,

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reelection, or appointment, shall complete successfully an orientation a training program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, nepotism, conflict of interest, and community relations. This program must be offered by a district and completed by a board member within one year after his election, reelection, or appointment. This program also must be offered by a district and completed by a member serving on the effective date of this act within one year after the effective date of this act.

(B)(1) The orientation shall be approved by the State Board of Education and conducted by public or private entities approved by the State Board of Education such as the South Carolina School Boards Association. By December 31, 2019, the State Board of Education shall adopt a model training program for training local school board members on the provisions of this article and local policies adopted pursuant to it. The program must include initial and continuing training. The State Board of Education periodically may adopt revisions to the training program as it considers necessary.

(2)(a) A local school board shall adopt a local training program applicable to that board within three months after adoption of the model training program by the State Board of Education. A training program must include, at a minimum, the model training program.

(b) If the State Board of Education adopts a revision to the training program, a local school board shall adopt and incorporate the revision into its local training program within three months of the adoption of the revision by the State Board of Education.

(c) A local school board only may adopt its local training program or any changes to that local training program at a regularly scheduled meeting.

(d) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the State Department of Education within thirty days of adoption.

(C) The provisions of this section also apply to members of county boards of education appointed or elected after July 1, 1997, in the same manner the provisions of this section apply to members of school district boards of trustees.

(D) The provisions of this section do not apply to a school board trustee or county board of education member who was serving in such office on July 1, 1997, and who is continuously reelected or reappointed

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~~to office thereafter.~~ In addition to meeting other requirements provided by law, a person serving on a school board shall:

(1) sign a statement asserting that he understands the applicable local code of ethics and policy on nepotism; and

(2) annually disclose compliance with the State Board of Education policy on training for local school boards, the applicable local code of ethics, the nepotism policy, and the conflict of interest provisions applicable to local school boards.

(ED) The State Department of Education shall reimburse a school district or county board of education conducting ~~an orientation~~ training for a new board member as required by this section at the rate of eighty dollars for a member, provided that the total reimbursements by the department in one fiscal year must not exceed ten thousand dollars. If the total projected cost of these reimbursements for a year as determined by the department exceeds ten thousand dollars, the eighty-dollar reimbursement for each new member must be reduced proportionately. If funds are not available for these reimbursements, the board member ~~orientation training~~ is not required but may be conducted at the option of a school district or county board of education. The State Board of Education shall establish guidelines and procedures for these reimbursements.

(FE) The State Department of Education must keep a record of the school board trustees who complete the ~~orientation training~~ program for a period of at least five years.

SECTION 53. Section 59-19-60 of the 1976 Code is amended to read:

“Section 59-19-60. (A) School district trustees ~~shall be~~ are subject to removal from office ~~for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59-19-560 pursuant to the provisions of Chapter 3, Title 1. Vacancies occurring in the membership of any board of trustees for any cause shall~~ must be filled for the unexpired term by the ~~county board of education~~ local legislative delegation in the same manner as provided for full-term appointments.

(B) In addition to the bases for removal from office by the Governor provided in Chapter 3, Title 1, the Governor may remove a member of a school district board of trustees in a case involving:

(1) fraud;

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- (2) misappropriation of funds;
- (3) nepotism;
- (4) violation of election or procurement laws; or
- (5) any combination of items (1) through (5).

(C) If the entire membership of a board of trustees is removed, five vacancies automatically are created, regardless of the prior number of seats held by the board of trustees. The Governor shall appoint members to fill three of the vacancies, the State Superintendent of Education shall appoint a member to fill one of the vacancies, and the local legislative delegation shall appoint a member to fill one of the vacancies within ninety days.

(D) If one or more members, but not the entire membership, of a board of trustees is removed, the Governor must fill the vacancies within ninety days.

(E) A person appointed pursuant to subsection (C) or (D) to fill a vacant seat on a board of trustees shall serve until the next general election is held for the seat and may run in that general election for the seat to which he was appointed.

(F) If only two members remain serving on a board of trustees, the members may take no action that requires a vote until a third member is appointed.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Senator HEMBREE spoke against the amendment.

Senator MALLOY spoke for the amendment.

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Amendment No. 329

Senator SETZLER proposed the following amendment (419NGS3), which was withdrawn:

Amend the bill, as and if amended, page 68, by striking Section 59-1-425(A) as contained in SECTION 53 and inserting the following:

/ “Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months.

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However, ~~beginning with the 2007-2008 school year,~~ the opening date for students must not be before ~~the third Monday in~~ August twelfth, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district. A local school district board of trustees must modify the first semester calendar for the purpose of administering exams prior to the beginning of any scheduled December break."

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

On motion of Senator SETZLER, with unanimous consent, the amendment was withdrawn.

Amendment No. 333

Senator HEMBREE proposed the following amendment (419R092.SP.GH):

Amend the bill, as and if amended, PART IV, Scholarships and Tuition Assistance, by adding an appropriately numbered new SECTION to read:

/SECTION __. A.Chapter 150, Title 59 of the 1976 Code is amended by adding:

"Section 59-150-365. (A)(1) A student who is attending a two-year public technical college, who is majoring in a critical workforce area program as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current school year shall receive an additional South Carolina Workforce Industry Needs Scholarship (SCWINS). A student who is attending a two-year public technical college, who meets the income

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eligibility guidelines for free and reduced-priced meals as established by the United States Department of Agriculture (USDA), and who is receiving an LTAP scholarship for the current year shall receive an SCWINS scholarship regardless of the student's major. Subject to the funds appropriated, the SCWINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three years of instruction, including the student's freshman year, if the student is enrolled in an associate degree program, or no more than two years of instruction, including the student's freshman year, if enrolled in a diploma or certificate program.

(2) During a student's freshman year, the student must be enrolled in at least six credit hours of instruction each semester, including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets the income guidelines for free and reduced-priced meals as established by the USDA must be enrolled in at least six credit hours of instruction each semester for the purpose of meeting the required minimum level of instruction in the student's major courses during the student's freshman year. To receive the additional SCWINS scholarship each school year, the student must receive the underlying LTAP scholarship for that school year and must be making acceptable progress each school year toward receiving a degree pursuant to this section. Dual enrollment courses taken in high school in these critical workforce area programs count toward the fulfillment of the minimum requirement.

(3) As a condition of participation in the scholarship program provided herein, a student must receive career counseling from the institution in which he will enroll, and that institution shall verify participation to the SBTCE prior to any award.

(B) The SBTCE shall promulgate regulations to define what constitutes a critical workforce program area. Nothing herein prevents a student from changing majors within the acceptable disciplines. Additionally, the SBTCE shall annually communicate with high school guidance counselors regarding the list of qualifying majors. The critical workforce program list must be reviewed at least every five years and adjusted based on workforce trends and industry needs. Critical workforce program additions or deletions must be ratified by the South Carolina Coordinating Council for Workforce Development.

(C) If the additional SCWINS scholarship is lost, then it may be regained in the same manner that the underlying LTAP scholarship is regained.

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(D) In order for a student to be eligible after attempting twenty-four academic credit hours, the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.

(E) A student may not be eligible to receive the SCWINS scholarship for more than one certificate, diploma, or degree within any five-year period unless the additional certificate, diploma, or degree constitutes progress in the same field of study.

(F) A dual-enrollment student in high school who is majoring in one of the critical workforce areas and receives an LTAP scholarship at a technical college qualifies for the SCWINS scholarship. A dual enrollment student in high school who receives an LTAP scholarship at a technical college and qualifies for free and reduced-priced meals also qualifies for the SCWINS scholarship regardless of the student's major.

(G) Additionally, an up to three-hundred-dollar book allowance each school year is applied to the account of an SCWINS recipient who is majoring in one of the critical workforce areas, for expenses toward the cost of textbooks.

(H) If a critical workforce area program is placed on suspension during the SBTCE's annual program evaluation process, then that program no longer qualifies for SCWINS funds at that specific college. Students must be advised on how to complete their program by transferring to another technical college or serving as a transient student at another technical college to complete specified courses.

(I) The SBTCE shall develop career counseling standards to be implemented by all colleges in the SBTCE system."

B. This SECTION takes effect on July 1, 2020 and first applies to the 2020-2021 school year. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(G)(1)(a)(ii) and inserting:

/ ~~(b)(ii)~~ a cumulative ~~3-5~~ 3.49 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(G)(1)(b)(ii) and inserting:

/ ~~(b)(ii)~~ a cumulative ~~4-0~~ 3.99 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(F)(1)(a) and inserting:

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/ (a) ~~South Carolina public institution defined in Section 59-103-5, excluding a public two-year or technical institution, and an independent institution as defined in Section 59-113-50, excluding an eleemosynary junior or independent two-year institution any state-supported, post-secondary educational institution. 'Public or independent institution' does not include a two-year or technical institution or an eleemosynary junior or independent two-year institution; or~~ /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(H) and inserting:

/ (H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award or who accepted the LIFE Scholarship for attendance at a public two-year or technical institution is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 20.A., relating to Section 59-149-50, by striking Section 59-149-50(A)(1) on page 39 at line 8 and inserting:

~~/graduated from high school with a minimum of a 3.0~~ 2.99 or better cumulative /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 20.B., relating to Section 59-150-370(C), by striking Section 59-150-370(C) and inserting:

/ ~~“(C) A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a~~ must have graduated from high school with a minimum of a 3.0 cumulative grade point average to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship.

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These SC HOPE Scholarships must be granted and awarded as provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator MASSEY spoke against the amendment.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 12:15 P.M. tomorrow for the purpose of attending the Joint Assembly, and will reconvene immediately following the conclusion of the Joint Assembly.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Richard Craig Threatt, 79 Meadow Lane, Bamberg, SC 29003-2423
VICE Richard Craig Threatt (retired)

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator HEMBREE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Blakeney Jackson of North Myrtle Beach, S.C. James graduated from The Citadel and joined the U.S. Army where he was the recipient of the Army Commendation Medal. James was active in the community on the city council, charter member of the local Jaycees Chapter and a managing partner of the Myrtle Beach RV Park. James was a loving husband, devoted father and doting grandfather who will be dearly missed.

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and

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bobby Merle Bowers of Lexington, S.C. Bobby served as the Director of the South Carolina Office of Research and Statistics and was honored for his distinguished service to our State in 2015 upon his retirement. He was a member of Lexington United Methodist Church, served on the Lexington District One School Board, as president of the S.C. School Board Association, Lander University Board of Trustees and was past president of the Lions Club of Lexington. Bobby was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 5:34 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:15 P.M.

* * *

Wednesday, March 4, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:15 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 33:11-12

“The counsel of the Lord stands forever, the thoughts of his heart to all generations. Happy is the nation whose God is the Lord, the people whom he has chosen as his heritage.”

Let us pray. On this day the birthday of our seventh President Andrew Jackson, we remember the prayer he wrote as he led this nation, “I nightly offer up my prayers to the throne of grace for the health and safety of you all, and that we ought to rely with confidence on the promises of our dear Redeemer and give Him our hearts. This is all He requires and all that we can do, and if we sincerely do this, we are sure of salvation through His atonement.” Lord through Your holy name we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Expression of Personal Interest

Senator ALEXANDER rose for an Expression of Personal Interest.

Committee to Escort

The PRESIDENT appointed Senators SETZLER, CROMER, MASSEY, ALLEN and SHEALY and Representatives Gilliam, R. Williams, Ridgeway and Tallon to escort the Honorable James W. Oxford, National Commander of The American Legion, and members of his party to the House of Representatives for the Joint Assembly.

RECESS

At 12:23 P.M., on motion of Senator MASSEY, the Senate receded from business for the purpose of attending the Joint Assembly.

WEDNESDAY, MARCH 4, 2020

Address by the National Commander of The American Legion

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 1001 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, JAMES W. OXFORD, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 4, 2020.

The Honorable James W. Oxford and members of his party were escorted to the rostrum by Senators SETZLER, CROMER, MASSEY, ALLEN and SHEALY and Representatives Gilliam, R. Williams, Ridgeway and Tallon. The PRESIDENT of the Senate introduced the Honorable James W. Oxford, National Commander of The American Legion.

Commander Oxford addressed the Joint Assembly.

**Address by the Honorable James W. "Bill" Oxford
National Commander of The American Legion**

Mr. PRESIDENT, Mr. Speaker, Senators and Representatives, it's truly an honor to speak to such a distinguished Body in this historic State House.

Before I begin, please allow me a moment to introduce members of The American Legion Family who are with me today.

We have with us the Commander of the South Carolina American Legion, Walt Richardson of Chapin, the Department Adjutant Nick Diener of Columbia, and National Executive Committeeman Michael D. Strauss of North Augusta. It is also my pleasure to introduce my counterpart at The American Legion Auxiliary, National President Nicole Clapp of Gladbrook, Iowa. We also have The American Legion Auxiliary South Carolina President, Roberta "Bobbie" Sinner of Sumter. And, also, the Auxiliary Alternate National Executive Committeewoman for South Carolina, Judy Hennis of Murells Inlet.

During the last several addresses made here by my predecessors, they acknowledged the Director of the South Carolina Division of Veterans Affairs, Howard Metcalf. I wish that I could continue that tradition. But God has called him to where we, in The American Legion, affectionately refer to as Post Everlasting. A retired Sergeant Major, Director Metcalf spent an entire career serving his country -- which included a tour as a

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soldier in Vietnam. He was particularly dedicated to increasing opportunities for women and minorities.

As the Director of Veterans Affairs, he served the 400,000 veterans in this State with great honor. He will be missed. I would like to thank this Body for Senate Resolution 1058, passed in his memory.

This State Legislature is the only one in the United States that annually extends an invitation for the national commander of the nation's largest veterans to address it. The significance of such an honor is fully appreciated by The American Legion.

Next week, I will be addressing a Joint Session of Congress and will reiterate some of the same points that I will make today.

It is the work of bodies such as this, and the U.S. Congress, that George Washington referred to in his farewell address, as quote, "The benign influence of good laws under a free government." My military career began as a Marine recruit standing on the yellow footprints at Parris Island, right here in South Carolina. I was able to visit Parris Island again two days ago. Needless to say, my reception was a little warmer this time around.

A tour in the Marine Corps exposes young men and women to various skills and occupations. But if you ask any Marine, they will tell you about an impressive group that they call their "docs", also known as Navy corpsmen. Regardless of service branch -- corpsmen, medics, nurses -- the skills of these men and women are without question. Many times, these life-saving skills have been tested under fire in hostile environments.

But these skills don't just have to benefit the people serving in the military. We are pleased that this Legislature is considering the Veterans Nursing Degree Opportunity Act. This Act gives South Carolina colleges and universities the option of creating degree programs that recognize the value of military experience in healthcare.

The Department of Health and Human Services estimates that South Carolina faces a shortage of more than 10,000 nurses by 2030. The Veterans Nursing Degree Opportunity Act sounds like a win -- win. Good for South Carolina and good for veterans.

While we in The American Legion welcome the removal of bureaucratic hurdles to simplify the certification process, we do not believe in lowering standards. And by hiring veterans, you are doing the opposite. When you hire a veteran, you are selecting a person who has proven through their military service that they are disciplined performers capable of accomplishing their mission under stressful conditions. They

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are usually physically-fit and equally adept at following orders and innovation based on changing conditions.

The men and women of the U.S. military have withstood and often excelled in some of the most challenging training in the world. And that training must continue even after these men and women leave the military service.

There are many outstanding colleges, universities, and vocational schools in South Carolina. Sadly, there are some sub-par schools and online institutions in this Country and overseas that use deceptive marketing to separate veterans from their well earned GI Bill benefits. By offering little value, they are not only shortchanging student veterans, but they are committing fraud on U.S. taxpayers.

The American Legion is calling on the federal government to provide better oversight and close some of the loopholes that allow these for-profit sham schools to exploit unsuspecting students.

One prestigious school that you are very familiar with, the University of South Carolina, is being led by President Robert Caslen, a retired lieutenant general and the former superintendent of West Point.

A recent newspaper column in The State actually ran the headline, "Caslen's top staff are veterans or have military connections. Is that good for USC?" Allow me to answer that question. "Yes!"

Military service requires a lot more than trigger pulling and marching. The U.S. military leads the world in technological innovation. In addition to academic excellence, the bright men and women attending our service academies must excel in rigorous physical training, adhere to strict honor codes and learn the value of leadership.

If you value diversity, look no further than our military which truly is a melting pot of excellence. Any American university or college would be well served by including a large representation of veterans among its leadership and student body.

This Legislature should be commended for its recent creation of the South Carolina Department of Veterans Affairs. For many years The American Legion worked to have the U.S. Veterans Administration elevated to the cabinet-status that it enjoys today. The U.S. Department of Veterans Affairs is far from perfect, but since 1989 it has been led by secretaries who have been vetted and confirmed by Congress. With the increased status came increased scrutiny. The American Legion believes this is a good thing. It not only empowers the department to better serve

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its constituency, but it sends a powerful message that veterans are an important priority.

This Legislative Session in particular has shown it's appreciation for veterans through the Workforce Enhancement and Military Recognition Act. If it becomes law, it will exempt military pensions from state income tax. This will be a powerful incentive for military retirees to choose South Carolina as their new home once they hang up their uniforms.

This is a State with a strong military presence. You are home to eight military installations, not including local guard and reserve centers. You have 50,000 men and women on active duty and in the reserves. You have men and women of every ethnic background, religious belief, and economic status.

This is the State that gave us Andrew Jackson, General William Westmoreland, and Challenger Astronaut Ronald McNair. This State has produced 38 Medal of Honor recipients.

It also blessed us with a legendary and beloved Legionnaire -- Past National Commander E. Roy Stone of Greenville. Commander Stone served in World War II and was so dedicated to our organization that he earned the nickname, "Mr. Legionnaire."

He described his vision for our organization in an essay that was so poignant that it motivated Representative Sonny Montgomery of Mississippi to enter it into the Congressional record in 1994. Time will not allow me to read it in its entirety, but a longer excerpt can be found in the December issue of The American Legion Magazine. It is titled, "This We Believe." By calling on veterans to keep faith with their fallen comrades, Commander Stone's words ring as true today as they did when he first uttered them.

"We must rededicate ourselves to the ideals of our organization, be active and keep faith with our fallen comrades. We must grid ourselves for any legislative fight that may become necessary, and see that any veteran who needs hospital or nursing care will have it. No compromises. Right is right. Wrong is wrong. As we celebrate our years of service to community, state and nation, we are proud of our past record of accomplishments. We look forward to an even brighter future." Thanks to the dedicated men and women gathered in this room and the patriotic citizens of South Carolina, I share Commander Stone's optimism for our bright future.

Now, if you would allow me for one moment to call to the dais two members of this distinguished Body who have proven that they are not only great lawmakers, but they are advocates for those who have served. They have been designated by The American Legion Department of

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South Carolina as the outstanding members of the Legislature for 2020. They are true friends of veterans and The American Legion.

Senator RONNIE CROMER and Representative Michael Rivers, Sr., would you please join me?

Commander presents plaques.

We appreciate all that you do on behalf of veterans.

Thank you so much, South Carolina Legislature.

God Bless you and God Bless America.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:53 P.M., by prior motion of Senator MASSEY, the Senate resumed.

Point of Quorum

At 12:55 P.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Hembree
Hutto	Jackson	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

A quorum being present, the Senate resumed.

WEDNESDAY, MARCH 4, 2020

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Reappointment, South Carolina Department of Transportation Commission, with the term to commence February 15, 2020, and to expire February 15, 2024

5th Congressional District:

David E. Branham, Sr., 614 Fletcher Drive, Kershaw, SC 29067-9673

Referred to the Committee on Transportation.

Reappointment, South Carolina Department of Transportation Commission, with the term to commence February 15, 2020, and to expire February 15, 2024

1st Congressional District:

Robert D. Robbins, 107 Glen Abby Drive, Summerville, SC 29483

Referred to the Committee on Transportation.

Local Appointment

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Elbert O. Duffie III, 1075 Dallas Lane, Walterboro, SC 29488-8190

Doctor of the Day

Senator NICHOLSON introduced Dr. Bryan Green of Greenwood, S.C., Doctor of the Day.

Leave of Absences

At 1:23 P.M., Senator FANNING requested a leave of absence for Senator McLEOD until 2:23 P.M.

At 1:34 P.M., Senator FANNING requested a leave of absence for Senator M.B. MATTHEWS until 3:00 P.M.

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At 5:03 P.M., Senator MARTIN requested a leave of absence for Senator GOLDFINCH for the balance of the day.

At 5:03 P.M., Senator SCOTT requested a leave of absence for Senators WILLIAMS and SABB for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 9	Sen. Alexander
S. 122	Sen. Young
S. 461	Sen. Cash
S. 754	Sen. Peeler
S. 890	Sens. Rice, Talley and Cash
S. 997	Sen. McLeod
S. 998	Sen. Young
S. 1002	Sen. Goldfinch
S. 1071	Sen. Senn

RECALLED AND READ THE SECOND TIME

H. 4743 -- Reps. Fry and Hewitt: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

Senator GOLDFINCH asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

Senator GOLDFINCH 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 GOLDFINCH, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1144 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE GRACE BAPTIST CHURCH UPON THE OCCASION OF ITS SIXTIETH ANNIVERSARY, TO RECOGNIZE AND HONOR THE CHURCH FOR ITS DEEP HERITAGE IN THE WEST COLUMBIA COMMUNITY, AND TO COMMEND ITS LEADERSHIP AND CONGREGATION FOR THEIR MANY YEARS OF SERVICE TO THIS COMMUNITY.

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The Senate Resolution was adopted.

S. 1145 -- Senator Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE JOE CARTER UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1146 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, APRIL 29, 2020, AS THE AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE TERMS THAT EXPIRE JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES

WEDNESDAY, MARCH 4, 2020

JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT,

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WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT, 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; AND THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024.

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The Concurrent Resolution was introduced and referred to the Committee on Operations and Management.

S. 1147 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTIONS 44-78-20, 44-78-30, 44-78-45(A), 44-78-50, AND 44-78-60 OF THE 1976 CODE, ALL RELATING TO DO NOT RESUSCITATE ORDERS, TO ALLOW A PARENT OR LEGAL GUARDIAN OF A MEDICALLY ELIGIBLE CHILD TO REQUEST AND REVOKE A DO NOT RESUSCITATE ORDER FOR

WEDNESDAY, MARCH 4, 2020

EMERGENCY SERVICES FOR THE CHILD, AND FOR OTHER PURPOSES; AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Medical Affairs.

S. 1148 -- Senators Hutto and J. Matthews: A SENATE RESOLUTION TO CONGRATULATE GERALDINE BRADLEY ON THE OCCASION OF HER SEVENTY-NINTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

H. 4078 -- Reps. Tallon, Hixon, Johnson, W. Newton, Pope, Hardee, Hyde, Bailey, Hewitt and R. Williams: A BILL TO AMEND SECTION 2-1-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN REPORTS SUBMITTED TO THE GENERAL ASSEMBLY MUST BE ELECTRONICALLY TRANSMITTED, SO AS TO EXTEND THE REQUIREMENT TO REPORTS SUBMITTED TO A STANDING COMMITTEE OR ANY OTHER COMMITTEE CREATED BY THE GENERAL ASSEMBLY.

Read the first time and referred to the Committee on Judiciary.

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.

Read the first time and referred to the Committee on Medical Affairs.

H. 4669 -- Reps. King, Henegan, Cobb-Hunter, McDaniel and S. Williams: A BILL TO AMEND SECTION 44-63-74, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO

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ELIMINATE EXEMPTIONS FOR PHYSICIANS WHO CERTIFY FEWER THAN TWELVE DEATHS ANNUALLY.

Read the first time and referred to the Committee on Medical Affairs.

H. 4694 -- Reps. Allison, Clyburn and Hosey: A BILL TO AMEND SECTION 59-67-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL PASSING OF A SCHOOL BUS BY ANOTHER SCHOOL BUS, SO AS TO PROVIDE THAT A SCHOOL BUS MAY LAWFULLY PASS ANOTHER SCHOOL BUS ON A MULTILANE HIGHWAY; AND TO REPEAL SECTION 59-67-515 RELATING TO SPEED LIMITS FOR PUBLIC SCHOOL BUSES.

Read the first time and referred to the Committee on Education.

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.

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 4776 -- Reps. Tallon, Allison, Hyde, Taylor, Brawley, McCravy, Toole and Clary: A BILL TO AMEND SECTION 58-3-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FORMER PUBLIC SERVICE COMMISSION MEMBERS BEING EMPLOYED BY PUBLIC UTILITIES, SO AS TO INCREASE THE RESTRICTION PERIOD FROM ONE YEAR TO THREE YEARS.

Read the first time and referred to the Committee on Judiciary.

H. 4800 -- Reps. Collins, Bernstein and Kimmons: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO

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REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

Read the first time and referred to the Committee on Family and Veterans' Services.

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.

Read the first time and referred to the Committee on Medical Affairs.

H. 5344 -- Reps. Simrill, Cobb-Hunter and Finlay: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 6 THROUGH 10, 2020 AS "INDEPENDENT COLLEGES AND UNIVERSITIES WEEK" AND APRIL 8, 2020 AS "INDEPENDENT COLLEGES AND UNIVERSITIES DAY."

The Concurrent Resolution was introduced and referred to the Committee on Education.

H. 5345 -- Reps. Forrest, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, 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 CELEBRATE THE THIRTY-FOURTH ANNIVERSARY OF THE SOUTH CAROLINA POULTRY FESTIVAL, TO BE HELD MAY 7 THROUGH 9, 2020, IN

WEDNESDAY, MARCH 4, 2020

**BATESBURG-LEESVILLE, AND TO HONOR THOSE PLANNING
AND PARTICIPATING IN THE FESTIVAL.**

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5346 -- Reps. Lucas, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, 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, 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 WELCOME TO THE PALMETTO STATE THE HONORABLE BRIAN E. SHEEHAN, SECOND VICE PRESIDENT OF LIONS CLUBS INTERNATIONAL, ON THE OCCASION OF THE 96TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5347 -- Reps. Calhoon, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, 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,

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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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF BOBBY MERLE BOWERS OF LEXINGTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 46 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 511 -- Senators Gregory, Bennett, Shealy, Turner, Cromer, Reese and Fanning: A BILL TO AMEND SECTION 20-3-120 OF THE 1976 CODE, RELATING TO ALIMONY AND SUIT MONEY, TO PROVIDE FOR SEPARATE MAINTENANCE AND SUPPORT; TO AMEND SECTION 20-3-130 OF THE 1976 CODE, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, TO PROVIDE FOR NEW FORMS OF ALIMONY; TO AMEND SECTION 20-3-150 OF THE 1976 CODE, RELATING TO THE

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SEGREGATION OF ALLOWANCES BETWEEN A SPOUSE AND CHILDREN AND THE EFFECT OF THE REMARRIAGE OF A SPOUSE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 20-3-160 OF THE 1976 CODE, RELATING TO THE CARE, CUSTODY, AND MAINTENANCE OF CHILDREN, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 20-3-170 OF THE 1976 CODE, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY AND RETIREMENT BY A SUPPORTING SPOUSE, TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING THE EXISTENCE OF CHANGED CIRCUMSTANCES, TO PROVIDE THAT RETIREMENT BY A SUPPORTING SPOUSE IS SUFFICIENT GROUNDS TO WARRANT A HEARING, AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING WHETHER ALIMONY OR SEPARATE MAINTENANCE AND SUPPORT SHOULD BE MODIFIED, SUSPENDED, OR TERMINATED IN AMOUNT OR TERM; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 983 -- Senator Rankin: A BILL TO AMEND SECTION 15-39-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF JUDGMENT EXECUTIONS, SO AS TO PROVIDE FOR A NEW PROCEDURE; AND TO AMEND SECTION 15-39-30, RELATING TO ISSUANCE OF EXECUTIONS, SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH A FINAL JUDGMENT SHALL HAVE ACTIVE ENERGY BEYOND THE TEN-YEAR PERIOD.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1002 -- Senators Rankin, Malloy, Young, McElveen, Kimpson, M.B. Matthews, Senn, Harpootlian, Sabb, Campsen, Hutto, Setzler, Hembree, Talley, Davis and Goldfinch: A BILL TO AMEND SECTION 14-7-1050, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; TO AMEND SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND TO AMEND SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Operations and Management polled out S. 1118 favorable:

S. 1118 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 12, 2020.

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Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Peeler	Leatherman	Setzler
Reese	Rankin	Malloy
Massey	Shealy	Turner

Total--9

NAYS

Total--0

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Operations and Management polled out S. 1131 favorable:

S. 1131 -- Senator Turner: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 16 AND THURSDAY, NOVEMBER 19 AND FRIDAY, NOVEMBER 20, 2020. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Peeler	Leatherman	Setzler
Reese	Rankin	Malloy
Massey	Shealy	Turner

Total--9

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NAYS

Total--0

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3309 -- Reps. Cobb-Hunter, Thigpen, Henderson-Myers, Collins, Rose, Dillard, Caskey, Bannister, Norrell and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT", TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Amendment No. 333

Senator HEMBREE proposed the following amendment (419R092.SP.GH), which was adopted:

Amend the bill, as and if amended, PART IV, Scholarships and Tuition Assistance, by adding an appropriately numbered new SECTION to read:

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/SECTION __. A.Chapter 150, Title 59 of the 1976 Code is amended by adding:

“Section 59-150-365. (A)(1) A student who is attending a two-year public technical college, who is majoring in a critical workforce area program as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current school year shall receive an additional South Carolina Workforce Industry Needs Scholarship (SCWINS). A student who is attending a two-year public technical college, who meets the income eligibility guidelines for free and reduced-priced meals as established by the United States Department of Agriculture (USDA), and who is receiving an LTAP scholarship for the current year shall receive an SCWINS scholarship regardless of the student’s major. Subject to the funds appropriated, the SCWINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three years of instruction, including the student’s freshman year, if the student is enrolled in an associate degree program, or no more than two years of instruction, including the student’s freshman year, if enrolled in a diploma or certificate program.

(2) During a student’s freshman year, the student must be enrolled in at least six credit hours of instruction each semester, including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets the income guidelines for free and reduced-priced meals as established by the USDA must be enrolled in at least six credit hours of instruction each semester for the purpose of meeting the required minimum level of instruction in the student’s major courses during the student’s freshman year. To receive the additional SCWINS scholarship each school year, the student must receive the underlying LTAP scholarship for that school year and must be making acceptable progress each school year toward receiving a degree pursuant to this section. Dual enrollment courses taken in high school in these critical workforce area programs count toward the fulfillment of the minimum requirement.

(3) As a condition of participation in the scholarship program provided herein, a student must receive career counseling from the institution in which he will enroll, and that institution shall verify participation to the SBTCE prior to any award.

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(B) The SBTCE shall promulgate regulations to define what constitutes a critical workforce program area. Nothing herein prevents a student from changing majors within the acceptable disciplines. Additionally, the SBTCE shall annually communicate with high school guidance counselors regarding the list of qualifying majors. The critical workforce program list must be reviewed at least every five years and adjusted based on workforce trends and industry needs. Critical workforce program additions or deletions must be ratified by the South Carolina Coordinating Council for Workforce Development.

(C) If the additional SCWINS scholarship is lost, then it may be regained in the same manner that the underlying LTAP scholarship is regained.

(D) In order for a student to be eligible after attempting twenty-four academic credit hours, the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.

(E) A student may not be eligible to receive the SCWINS scholarship for more than one certificate, diploma, or degree within any five-year period unless the additional certificate, diploma, or degree constitutes progress in the same field of study.

(F) A dual-enrollment student in high school who is majoring in one of the critical workforce areas and receives an LTAP scholarship at a technical college qualifies for the SCWINS scholarship. A dual enrollment student in high school who receives an LTAP scholarship at a technical college and qualifies for free and reduced-priced meals also qualifies for the SCWINS scholarship regardless of the student's major.

(G) Additionally, an up to three-hundred-dollar book allowance each school year is applied to the account of an SCWINS recipient who is majoring in one of the critical workforce areas, for expenses toward the cost of textbooks.

(H) If a critical workforce area program is placed on suspension during the SBTCE's annual program evaluation process, then that program no longer qualifies for SCWINS funds at that specific college. Students must be advised on how to complete their program by transferring to another technical college or serving as a transient student at another technical college to complete specified courses.

(I) The SBTCE shall develop career counseling standards to be implemented by all colleges in the SBTCE system."

B. This SECTION takes effect on July 1, 2020, and first applies to the 2020-2021 school year. /

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Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(G)(1)(a)(ii) and inserting:

/ ~~(b)(ii)~~ a cumulative ~~3.5~~ 3.49 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(G)(1)(b)(ii) and inserting:

/ ~~(b)(ii)~~ a cumulative ~~4.0~~ 3.99 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(F)(1)(a) and inserting:

/ ~~(a) South Carolina public institution defined in Section 59-103-5, excluding a public two-year or technical institution, and an independent institution as defined in Section 59-113-50, excluding an eleemosynary junior or independent two-year institution any state-supported, post-secondary educational institution. 'Public or independent institution' does not include a two-year or technical institution or an eleemosynary junior or independent two-year institution; or~~ /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(H) and inserting:

/ (H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award or who accepted the LIFE Scholarship for attendance at a public two-year or technical institution is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. /

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Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 20.A., relating to Section 59-149-50, by striking Section 59-149-50(A)(1) on page 39 at line 8 and inserting:

/graduated from high school with a ~~minimum of a 3.0~~ 2.99 or better cumulative /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 20.B., relating to Section 59-150-370(C), by striking Section 59-150-370(C) and inserting:

/ “(C) A student is ~~eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a~~ must have graduated from high school with a minimum of a 3.0 cumulative grade point average to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

Objection

Senator MALLOY asked unanimous consent to include Amendment No. 335 in the debate on S. 419.

Senator MARTIN objected.

Senator SHEHEEN spoke on the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Recorded Vote

Senators MARTIN, CORBIN, VERDIN and SHEALY desired to be recorded as voting against the adoption of the amendment.

Amendment No. 334

Senator HEMBREE proposed the following amendment (419R093.SP.GH), which was adopted:

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Amend the bill, as and if amended, by striking SECTION 52, relating to Section 59-19-350(A), and inserting:

/SECTION 52. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A)(1)(a) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ schools of choice innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by a two-thirds affirmative vote of the State Board of Education.

(b) If there is an opening start date provided in statute, then the provisions of subitem (a) do not apply. A school of innovation cannot be exempt from a statutory opening-date requirement unless the district establishes a twelve-month calendar that incurs no more than a break of five consecutive weeks during the twelve-month calendar.

(2) Nothing in this section permits a local school district board of trustees to relinquish control of the schools created pursuant to item (1).”/

Amend the bill further, as and if amended, SECTION 53, relating to Section 59-1-425(A), and inserting:

/SECTION 53. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007-2008 school year,~~ the opening date for students must not be before ~~the third Monday in August~~ fifteenth, except for schools operating on a year-round modified school calendar. If August fifteenth falls on a weekday other than a Monday, then the opening start date must not be before the preceding Monday. If August fifteenth falls on a weekend, then the opening start date must not be before the subsequent Monday. Three days must be used for collegial

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professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district. A local school district board of trustees must modify the first semester calendar for the purpose of administering exams prior to the beginning of any scheduled December break." /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator MARTIN spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 19

AYES

Campbell	Campsen	Corbin
Davis	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	McElveen
Peeler	Rankin	Reese
Sabb	Scott	Senn
Verdin	Williams	Young

Total--24

NAYS

Alexander	Allen	Bennett
Cash	Climer	Cromer
Fanning	Gambrell	Malloy
Martin	Massey	<i>Matthews, John</i>
McLeod	Nicholson	Rice

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Setzler
Turner

Shealy

Talley

Total--19

The amendment was adopted.

Amendment No. 42

Senator FANNING proposed the following amendment (WAB\419C220.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59-5-10(B)(1)(a), as contained in SECTION 2.A., by deleting the subitem and inserting:

/ (a) two public school students who shall serve a one-year term, one of whom must be the elected student governor of Boys State of South Carolina and the other must be the elected student governor of Girls State of South Carolina, provided that:

(i) a member may not serve if he discontinues attending public school in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school student; and/

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

Having failed to receive the necessary votes, the adoption of the amendment failed.

Amendment No. 51

Senators SCOTT and SHEHEEN proposed the following amendment (DG\419C006.NBD.DG20), which was withdrawn:

Amend the bill, as and if amended, Part IV, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . A.Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Article 7

Funding for Public Institutions of Higher Learning

Subarticle 1

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Base Funding

Section 11-11-610. For purposes of this subarticle:

(1) 'Public institution of higher learning' means any state-supported, post-secondary research, comprehensive, and two-year branch campus educational institution and shall include technical and comprehensive educational institutions.

(2) 'Recurring general fund revenue' means the forecast of recurring general fund revenues pursuant to Section 11-9-1130 after the amount apportioned to the Trust Fund for Tax Relief, as required in Section 11-11-150, is deducted.

(3) 'Recurring general fund expenditure base' means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section 11-9-1140(B).

Section 11-11-620. (A) In any fiscal year in which general fund revenues are projected to increase, in the annual general appropriations bill, the appropriation to each public institution of higher learning for the upcoming fiscal year must be increased by the same projected percentage increase, not to exceed five percent, when compared to the appropriation in the current fiscal year. For purposes of this section, beginning with the initial forecast required pursuant to Section 11-9-1130, the percentage increase in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage increase. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage increase. However, the forecast in effect on April tenth of the current fiscal year is the final forecast for which the percentage increase is determined, and no subsequent forecast modifications shall have any effect on that determination.

(B) In any fiscal year in which general fund revenues are projected to decrease, in the annual general appropriations bill, the appropriation to each public institution of higher learning for the upcoming fiscal year only may be decreased, if at all, by no more than the projected percentage

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decrease in general fund revenues, when compared to the appropriation in the current fiscal year.

(C)(1) For purposes of this section, beginning with the initial forecast required pursuant to Section 11-9-1130, the percentage change in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year.

(2) The Governor shall include the adjusted appropriation to each public institution of higher learning in the Executive Budget.

(3) The Revenue and Fiscal Affairs Office shall determine the current fiscal year's recurring general fund expenditure base, and determine any projected change in general fund revenues. If an adjustment is projected, the appropriation for the upcoming fiscal year must be adjusted accordingly.

Section 11-11-630. In any fiscal year in which the Board of Economic Advisors reduces the revenue forecast for the current fiscal year, the appropriation to or rate of expenditure for each public institution of higher learning may not be reduced by more than the percentage amount of the reduction.

Subarticle 2

Additional Funding

Section 11-11-710. For purposes of this subarticle, 'public institution of higher learning' means any state-supported, post-secondary research, comprehensive, and each two-year regional campus of the University of South Carolina.

Section 11-11-720. (A) There is established the Higher Education Opportunity Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. Revenues in this fund may not be used to supplant general fund appropriations of each public institution of higher learning, with the amounts appropriated in Part 1.A. of the Fiscal Year 2020-2021 annual appropriations act serving as the base year. The fund is exempt from any midyear budget reduction imposed by the General Assembly, or the Executive Budget Office pursuant to Section 11-9-1140(B).

(B) The fund must be distributed by the State Treasurer to each public institution of higher learning pursuant to the formula set forth in subsection (C). However, any funds accruing in the trust fund during the

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initial fiscal year of the fund's establishment must remain in the trust fund for the entirety of that fiscal year and the funds may not be distributed during that year.

(C)(1)(a) As set forth in subitems (b) and (c), ten percent of the trust fund must be used for need-based scholarships to full-time undergraduate students from South Carolina, and the remaining ninety percent must be used to fund the costs of the various institutions for educating South Carolinians. By July 15, 2021, and in accordance with subsections (A) and (B), the Commission on Higher Education shall determine the percentage of the trust fund that each public institution of higher learning shall receive in the current fiscal year from subitems (b) and (c).

(b) Ten-percent of the total amount to be distributed from the trust fund each fiscal year must be used solely for need-based scholarships to be awarded to full-time undergraduate students from South Carolina. The percentage each institution shall receive pursuant to this subitem must be determined by a fraction in which the numerator is the institution's number of full-time undergraduate students whose family income is not greater than one hundred fifty percent of the most recently published Health and Human Service Poverty Guidelines and whose geographic origin is South Carolina for the fall semester in the immediately preceding fiscal year and the denominator is the sum total of every institution's number of full-time undergraduate students whose family income is not greater than one hundred fifty percent of the most recently published Health and Human Service Poverty Guidelines and whose geographic origin is South Carolina for the fall semester in the immediately preceding fiscal year. Each institution must distribute these funds in semiannual awards in the form of need-based scholarships directly to student recipients qualified using the criteria for those students whose family income is not greater than one hundred fifty percent of the most recently published Health and Human Service Poverty Guidelines and whose geographic origin is South Carolina for the upcoming fall semester.

(c) The remaining ninety percent of the total amount to be distributed from the trust fund each year must be used to fund the costs of the various institutions for the education of students. The percentage each institution shall receive pursuant to this subitem must be determined by using a fraction, in which the numerator is the institution's number of full-time undergraduate students whose geographic origin is South Carolina for the fall semester in the immediately preceding fiscal year and the denominator is the total number of every institution's number of

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full-time undergraduate students whose geographic origin is South Carolina for the fall semester in the immediately preceding fiscal year.

(d) Immediately following the Comptroller General's closing of the state's books for the preceding fiscal year, or by October 1, 2021, whichever occurs first, the State Treasurer shall distribute the funds to each public institution of higher learning based on the percentage allocation calculated for each institution by the Commission on Higher Education.

(2) By July 15, 2022, and each July fifteenth thereafter, the commission shall update the percentage allocation formula provided in item (1) based on new enrollment figures for the immediately preceding fiscal year's fall semester. Immediately following the Comptroller General's closing of the state's books for the preceding fiscal year, or October first, whichever occurs first, the State Treasurer shall distribute the funds to each public institution of higher learning so that each institution receives the same amount of funds it received in the prior fiscal year plus a proportional share of any increase in the fund's total in the current fiscal year compared to the fund's total in the prior fiscal year. The proportional share must be the percentage allocation calculated for each institution by the commission pursuant to this subsection. In the event the trust fund's total is less in the current fiscal year compared to its total in the prior fiscal year, each institution's distribution shall be based on its percentage allocation in the prior fiscal year.

(D) Once the Higher Education Opportunity Trust Fund has a balance of at least one hundred twenty-five million dollars, then the provisions of Section 11-11-740 apply.

(E) Nothing in this section may be construed to restrict the appropriation of funds to any public institution of higher learning from any source other than the Higher Education Opportunity Trust Fund.

(F) No later than November first and March first of each academic year, an institution receiving funds pursuant to this section must publish in a conspicuous place on its website a report summarizing the institution's undergraduate enrollment data, including geographic origin of its undergraduate students, as well as race and ethnicity data, and family income level of this same population. Within seven days of posting this report, an institution must provide an electronic copy to the Commission on Higher Education. Within thirty days of receiving these reports, the commission must summarize the institutional summaries and provide a singular consolidated report to the Governor, Chairman of the House Education and Public Works Committee, Chairman of the Senate

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Education Committee, Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee.

Section 11-11-730. (A) Notwithstanding any other provision of law, the following revenues must be credited to the Higher Education Opportunity Trust Fund:

(1) sales and use tax revenues owed by any South Carolina retailer who has utilized the provisions of Section 12-36-2691 minus any sales and use tax revenue remitted by any such retailer in Fiscal Year 2018-2019;

(2) to the extent allowed by federal law, sales and use tax revenues owed by remote sellers;

(3) sales and use tax revenues owed on the sale of tangible personal property sold on an Internet website by independent sellers through a South Carolina retailer on consignment, or any other Internet sale made by a third party through a South Carolina retailer;

(4) any admission taxes collected by a public institution of higher learning pursuant to Article 17, Chapter 21, Title 12. The admission tax collections from the previous fiscal year must be deposited into the trust fund in a lump sum by October first of each year; and

(5) any indirect cost recoveries remitted by a public institution of higher learning pursuant to Section 2-65-70. The recoveries from the previous fiscal year must be deposited into the trust fund in a lump sum by October first of each year.

(B) The amount of revenue credited to the Higher Education Opportunity Trust Fund pursuant to subsection (A)(3), if any, must be determined by an estimate of the Board of Economic Advisors. The Board of Economic Advisors shall include this estimate in its initial economic forecast, and in any subsequent forecasts if an adjustment is necessary. The amount of this estimate must be deducted from amounts available for appropriation in the same manner as reimbursements to the Trust Fund for Tax Relief are deducted. The State Treasurer shall transfer this amount to the Higher Education Opportunity Trust Fund in equal monthly installments.

(C) Notwithstanding subsection (A), any sales and use tax revenue collected from transactions set forth in subsection (A)(1) through (A)(3) that is attributable to the tax imposed by the Education Improvement Act must be credited as provided in Section 59-21-1010(B).

(D) Notwithstanding subsection (A), the maximum amount of revenue that may be credited to the trust fund in any fiscal year is three hundred twenty-five million dollars. However, the limitation set by this subsection must be increased each year by the percentage increase in the

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Higher Education Price Index, as reported by the Commonfund Institute, for the immediately preceding fiscal year. Any revenues not credited to the trust fund as a result of this subsection must be credited as otherwise provided by law.

Section 11-11-740. (A) Notwithstanding any other provision of law, for the fiscal year immediately following the first fiscal year in which the Higher Education Opportunity Trust Fund has a balance of at least one hundred twenty-five million dollars and funds are distributed from the trust fund pursuant to Section 11-11-720, and upon affirmation of the boards of trustees of public institutions of higher learning receiving such trust funds, the boards of trustees must not increase the institution's required tuition and mandatory fees charged to in-state undergraduate students whose geographic origin is the State of South Carolina above the amounts charged on such students for the immediately preceding fiscal year. This limitation shall not apply to undergraduate students whose geographic origin is not the State of South Carolina or to graduate or post-graduate students regardless of geographic origin.

(B) For all subsequent years following the initial year set forth in subsection (A), and provided that the provisions of subsection (C) are applicable for the immediately preceding year, upon positive affirmation, the boards of trustees of each public institution of higher learning must not increase the institution's required tuition and mandatory fees charged to in-state undergraduate students whose geographic origin is the State of South Carolina by more than the percentage increase in the Higher Education Price Index, as reported by the Commonfund Institute, for the immediately preceding fiscal year, or not more than two and three-quarters percent, whichever is less.

(C) The limitations prescribed in subsections (A) and (B) are suspended for any fiscal year in which the General Assembly fails to comply with the requirements contained in this article pertaining to funding of the Higher Education Opportunity Trust Fund. By July thirtieth of each fiscal year, the Revenue and Fiscal Affairs Office shall notify the Commission on Higher Education if the limitation in subsection (B) is suspended.

(D) In any fiscal year in which the limitations of subsections (A) and (B) are in effect and the board of trustees of an institution that receives trust funds pursuant to this section fails to comply with the requirements of subsection (B), then the General Assembly shall not provide the funding of the Higher Education Opportunity Trust Fund, until such time that the institution's Board of Trustees is in compliance with the requirements of subsection (B).

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(E) The authority granted by the will of Thomas G. Clemson, accepted by Section 59-119-10, is confirmed and is not limited by this article.

Subarticle 3

Infrastructure

Section 11-11-810. For purposes of this subarticle, ‘public institution of higher learning’ means any state-supported, post-secondary research, comprehensive, and two-year branch campus educational institution and shall include technical and comprehensive educational institutions.

Section 11-11-820. (A) There is established the Higher Education Facilities Repair and Renovation Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The Department of Administration, Executive Budget Office, shall administer the fund. The funds only may be expended for the purposes set forth in subsection (C).

(B)(1) Beginning with the annual general appropriations act for Fiscal Year 2021-2022, and annually thereafter, the General Assembly shall appropriate at least twenty-five million dollars to the fund for allocation to and among the state’s public colleges and universities, including technical colleges.

(2) Of the funds available in the fund, twenty-five percent must be transferred to the State Board for Technical and Comprehensive Education for distribution among the state’s public technical colleges in a manner and amounts determined by the board. The remaining seventy-five percent must be transferred by the Executive Budget Office for distribution among the state’s public institutions of higher learning based on a formula developed by the Executive Budget Office, in consultation with the public institutions of higher learning.

(C)(1) Notwithstanding any other provision of law, the funds only may be expended for necessary renovation, repair and related maintenance, and other critical equipment and systems repair and maintenance that are necessary for the safe and efficient operation of the institution’s physical plant in its support of the institution’s educational purpose. Funds must not be used for new construction.

(2) Before the funds may be distributed, each institution must certify to the Executive Budget Office or the board, as applicable, in the manner prescribed by the applicable body, the extent to which the institution will meet the requirements of this section. No later than one hundred twenty days after the close of a fiscal year, the Executive Budget

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Office and the board shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this section. Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose. In the event of a midyear budget cut imposed by the General Assembly or the Executive Budget Office, the fund only may be reduced, if at all, by an amount not to exceed the overall percentage reduction being required of the general fund in the statewide aggregate. In any fiscal year in which the Board of Economic Advisors reduces the revenue forecast for the current fiscal year, the appropriation to or rate of expenditure for each public institution of higher learning may not be reduced by more than the percentage amount of the reduction.

Section 11-11-830. Notwithstanding Section 11-11-730 and any other provision of law, any sales and use tax revenues collected by an audit of the Department of Revenue of any South Carolina retailer who has utilized the provisions of Section 12-36-2691, must be credited to the Higher Education Facilities Repair and Renovation Fund.

Section 11-11-840. Beginning with the annual general appropriations act for Fiscal Year 2021-2022, and annually thereafter, the General Assembly may not appropriate funds to debt service in excess of the amount required by law, unless the General Assembly appropriates twenty-five million dollars to the Higher Education Facilities Repair and Renovation Fund for allocation to and among the state's public colleges and universities, including technical colleges. An appropriation made pursuant to this section also satisfies the appropriation requirement of Section 11-11-820."

B.1. Chapter 149, Title 59 of the 1976 Code is amended by adding:

"Section 59-149-170. (A) Notwithstanding any other provision of law and the provisions of the South Carolina Uniform Grading Scale, for purposes of the high school grade-point average requirements of this chapter, any student who graduates high school after the 2021-2022 school year must have a cumulative grade point average of 3.3.

(B) The provisions of this section only apply to determining initial eligibility for the scholarship provided in this chapter. Nothing in this section may be construed to effect college admission or the South Carolina Uniform Grading Scale.

Section 59-149-180. Beginning with the 2022-2023 annual general appropriations act, the General Assembly must not appropriate funds to the LIFE Scholarship Program, including stipends, in excess of the total amount appropriated to the program in the previous fiscal year, regardless of the source of the appropriation, plus an amount equal to the

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percentage increase in the higher education price index for the immediately preceding fiscal year, but not to exceed two and three-quarters percent each year.”

2. Article 1, Chapter 104, Title 59 of the 1976 Code is amended by adding:

“Section 59-104-50. (A) Notwithstanding any other provision of law and the provisions of the South Carolina Uniform Grading Scale, for purposes of the high school grade-point average requirements of this article, any student who graduates after the 2021-2022 school year must have a cumulative grade point average of 4.0 if the student qualifies pursuant to Section 59-104-20(G)(1), or a cumulative grade point average of 4.3 if the student qualifies pursuant to Section 59-104-20(G)(2).

(B) The provisions of this section only apply to determining initial eligibility for the scholarship provided in this article. Nothing in this section may be construed to effect college admission or the South Carolina Uniform Grading Scale.

Section 59-104-60. Beginning with the 2022-2023 annual general appropriations act, the General Assembly must not appropriate funds to the Palmetto Fellows Scholarship Program, including stipends, in excess of the total amount appropriated to the program in the previous fiscal year, regardless of the source of the appropriation, plus an amount equal to the percentage increase in the higher education price index for the immediately preceding fiscal year, but not to exceed two and three-quarters percent each year.”

3. Section 59-150-370 of the 1976 Code is amended by adding two subsections at the end to read:

“() (1) Notwithstanding any other provision of law and the provisions of the South Carolina Uniform Grading Scale, for purposes of the high school grade-point average requirements of this section, any student who graduates high school after the 2021-2022 school year must have a cumulative grade point average of 3.3.

(2) The provisions of this subsection only apply to determining initial eligibility for the scholarship provided in this article. Nothing in this subsection may be construed to effect college admission or the South Carolina Uniform Grading Scale.

() Beginning with the 2022-2023 annual general appropriations act, the General Assembly must not appropriate funds to the SC HOPE Scholarship program in excess of the total amount appropriated to the program in the previous fiscal year, regardless of the source of the appropriation, plus an amount equal to the percentage increase in the

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higher education price index for the immediately preceding fiscal year, but not to exceed two and three-quarters percent each year.”

C. Chapter 142, Title 59 of the 1976 Code is amended by adding:

“Section 59-142-80. (A) Beginning with Fiscal Year 2021-2022 and ending after Fiscal Year 2022-2023, the General Assembly, in the annual general appropriations act, shall appropriate additional funds to the need-based grant program so that the total appropriation is in excess of the amount appropriated in the previous fiscal year. The additional funds may not be less than the amount determined pursuant to subsection (B).

(B)(1) The Revenue and Fiscal Affairs Office, in consultation with the Commission on Higher Education, for each applicable fiscal year, shall determine the additional amount of funds not required to be expended in the applicable fiscal year as a result of Sections 59-149-170, 59-104-50, and 59-150-370(G), as added by the South Carolina Career Opportunity Access for All Act. The appropriation made pursuant to subsection (A) may not be less than this determination. The determination must be made before February fifteenth, and must be transmitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

(2) Notwithstanding item (1), the determination must not be less than:

(a) five million three hundred thousand dollars in Fiscal Year 2021-2022;

(b) five million dollars in Fiscal Year 2022-2023.

(C) The funds appropriated pursuant to this section are meant to supplement, not supplant, funding to the need-based grant program. Nothing in this section may be construed so as to prevent the General Assembly from appropriating additional funding to the program.”

D. 1. Chapter 143, Title 59 of the 1976 Code is amended by adding:

“Section 59-143-40. (A) Beginning with the annual general appropriations act for Fiscal Year 2022-2023, and each fiscal year thereafter, the General Assembly shall appropriate general funds and lottery funds, to the South Carolina Tuition Grants Commission for need-based tuition grants and to the Commission on Higher Education for need-based grants in equal amounts, which must not be less than the amount each received in the previous fiscal year. Beginning in Fiscal Year 2023-2024, the appropriations must be increased annually by the percentage increase in the higher education price index for the immediately preceding fiscal year, but not to exceed two and three-quarters percent each year. The Revenue and Fiscal Affairs Office shall determine the amount of the increase and submit the required

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appropriation to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

(B) In addition to the amounts required to be appropriated pursuant to subsection (A), beginning with the annual general appropriations act for Fiscal Year 2022-2023, and each fiscal year thereafter, the General Assembly shall appropriate to the South Carolina Tuition Grants Commission for need-based tuition grants an amount equal to the amount that the South Carolina Tuition Grants Commission received for needs-based tuition grants pursuant to Section 59-143-30 in Fiscal Year 2021-2022. The appropriation made pursuant to this section must be spent in the same manner as set forth in Section 59-143-30(A). The appropriation required pursuant to this subsection shall not factor into the requirements or calculations made pursuant to subsection (A).”

2. Section 59-143-30 of the 1976 Code is amended to read:

“Section 59-143-30. (A)(1) Until July 1, 2022, of the funds made available for higher education scholarship grants from the higher education scholarship grant allocation under Section 59-143-10 of the 1976 Code for any year, a percentage thereof must be allocated for higher education scholarships and grants for students attending South Carolina independent colleges of higher learning in this State. This percentage shall be equivalent to the percentage of the independent colleges’ share of the total South Carolina resident undergraduate full-time (FTE) enrollment of all public and independent higher education institutions in South Carolina based on the previous year’s data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.

(2) The allocation each year to students at the South Carolina independent colleges under item (1) above shall be used to provide tuition grants under Chapter 113 of Title 59 of the 1976 Code, and Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act. Of the funds allocated to independent college students, fifty percent shall be awarded for South Carolina Tuition Grants and fifty percent shall be awarded under the Palmetto Fellows Program. The funds allocated for South Carolina Tuition Grants to South Carolina independent colleges students under this subsection shall be included in the annual appropriation to the Commission on Higher Education and transferred annually into the budget of the South Carolina Tuition Grants Commission in the amount prescribed in item (1) above. The funds allocated for Palmetto Fellows Scholarships to South Carolina independent college students under this subsection shall be included in

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the annual appropriation to the Commission on Higher Education and may only be awarded to eligible students attending South Carolina independent colleges.

(3) Independent colleges for purposes of this subsection means those institutions eligible to participate in the South Carolina Tuition Grants Program as defined by Section 59-113-50.

(4) Public institutions shall receive the remaining allocation each year of the funds made available for higher education scholarship grants under Section 59-143-10. One-half shall be used to provide higher education need-based grants as provided for in this act or otherwise provided for in state law, and one-half shall be used to provide Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act.

(5) The maximum amount of funding provided for awards to students attending South Carolina independent colleges from the Children's Education Endowment Fund for South Carolina Tuition Grants and Palmetto Fellows scholarships shall not exceed the percentage funding calculation described under item (1) above.

(B) Beginning July 1, 2022, public institutions shall receive the entire allocation each year of the funds made available for higher education scholarship grants under Section 59-143-10. One-half shall be used to provide higher education need-based grants as provided for in this chapter or otherwise provided for in state law, and one-half shall be used to provide Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act."

E. 1. Section 59-104-25(A) of the 1976 Code is amended to read:

"(A) A resident student who is at least a ~~sophomore~~ junior attending a four-year public or private institution of higher learning in this State, who is majoring in science or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than ~~three~~ two additional years of instruction, including his ~~sophomore~~ junior year, if the student enrolled in a four-year degree program, or for not more than ~~four~~ three additional years of instruction, including his ~~sophomore~~ junior year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows

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Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his science or mathematics major. In addition, during each of his freshman year and sophomore years, the student must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman ~~year~~ and sophomore years, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement."

2. Section 59-149-15(A) of the 1976 Code is amended to read:

"(A) A resident student who is at least a ~~sophomore~~ junior attending a four-year public or private institution of higher learning in this State, who is majoring in science or mathematics as defined below, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than ~~three~~ two additional years of instruction, including his ~~sophomore~~ junior year, if enrolled in a four-year degree program, or for not more than ~~four~~ three additional years of instruction, including his ~~sophomore~~ junior year, if enrolled in a five-year degree program or a 3 plus 2 program. In addition, during each of his freshman year and sophomore years, the student must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his science or mathematics major. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman ~~year~~ and sophomore years, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement."

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3. Chapter 142, Title 59 of the 1976 Code is amended by adding:

“Section 59-142-90. (A) Beginning with Fiscal Year 2023-2024, in addition to the funding required pursuant to Section 59-143-40, the General Assembly, in the annual general appropriations act, shall appropriate an equal amount of additional funds, to the South Carolina Tuition Grants Commission for need-based tuition grants and to the Commission on Higher Education for need-based grants for public college students. The additional amount may not be less than the amount determined pursuant to subsection (B).

(B) The Revenue and Fiscal Affairs Office, in consultation with the Commission on Higher Education, shall determine the additional amount of funds not required to be expended in Fiscal Year 2023-2024, as a result of the amendments to Section 59-104-25(A) and Section 59-149-115(B), as contained in the South Carolina Career Opportunity Access for All Act. The appropriation made pursuant to subsection (A) may not be less than this determination. The determination must be made before February fifteenth, and must be transmitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

(C) The funds appropriated pursuant to this section are meant to supplement, not supplant, other funding to the need-based tuition grants and need-based grant program. Nothing in this section may be construed so as to prevent the General Assembly from appropriating additional funding to the programs.”

4. This SUBSECTION E takes effect on July 1, 2023, and first applies to the 2023-2024 school year.

F. 1. Section 59-104-20(D) of the 1976 Code is repealed.

2. Section 59-149-150 of the 1976 Code is repealed.

3. Section 59-150-370(C) of the 1976 Code is amended to read:

“(C) A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. ~~These SC HOPE Scholarships must be granted and awarded as provided in this section.~~”

4. The Commission on Higher Education shall adopt rules and establish procedures to, if necessary, proportionally reduce award amounts pursuant to the amendments made to Section 59-104-20, 59-149-150, and 59-150-370 in the South Carolina Career Opportunity Access for All Act.

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G. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-175. Notwithstanding Section 1-23-10(4), along with any other regulation, the Commission on Higher Education shall submit policy statements or rules as regulations to the General Assembly for its review pursuant to the Administrative Procedures Act.”

H. (A)(1) By December 31, 2020, in accordance with the purposes and regulations of the United States Department of Education regarding the provisions of the Higher Education Opportunity Act of 2009 as it pertains to student loan default and related matters, the State Fiscal Accountability Authority (SFAA) shall utilize the state’s consolidated procurement code to procure a statewide centralized vendor to administer a “Student Loan Default Aversion and Financial Literacy Program”. Funding for the program must not come from new state appropriations but from existing funds held in a state-owned account of the South Carolina State Education Assistance Authority (authority). The only funds of the authority that may be utilized by SFAA for these purposes are existing funds that have been specifically held by the authority for expenditure, the purposes of which must include default aversion and financial literacy outreach activities as permitted by federal law. When procuring the vendor, the SFAA shall ensure that, at minimum, the vendor:

- (a) possesses the necessary capability and experience;
- (b) will perform various outreach efforts contacting delinquent student borrowers through telephone calls, emails, and other such communication methods;
- (c) will make available to both higher education institutions and high schools within the State, and their students, relevant and easy to understand information regarding various financial literacy topics including, but not limited to, student loan repayment and the potential detrimental impacts of default;
- (d) has the capability and experience of identifying participating colleges whose default rate is high enough that it would put the institution at risk of federal sanction and loss of federal student aid funding;
- (e) will assist those colleges with development of a default management plan as required by the United States Department of Education.

(2) Funding dedicated by SFAA to fulfill the purposes of this section must be provided to attract a qualified vendor pursuant to the requirements of the state’s consolidated procurement code and must be

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at such a level so as to ensure that the state's eligible public and independent colleges that choose to participate, may utilize the services of the vendor without cost to the institution or its students.

(B) By December 31, 2020, the Commission on Higher Education, in consultation with the state's public institutions of higher learning, including technical colleges, shall study and make recommendations to the House Education and Public Works Committee, the Senate Education Committee, the House Ways and Means Committee, and the Senate Finance Committee regarding the costs and opportunities associated with the implementation of a statewide cloud-based or other centralized college application system for students seeking admission into one or more of the state's public colleges or universities, including technical colleges. The report's examination shall include, but not necessarily be limited to, costs and benefits to the State and institutions associated with implementation of a statewide centralized application portal as well as the costs and benefits to students and parents from implementation of such a system. Additionally, the report shall examine the feasibility of, including the costs and benefits to institutions and students of, reducing, rebating, or eliminating application fees for in-state applicants if a statewide cloud-based or other centralized application system is implemented in the State. In the event the final report contains an affirmative recommendation for the State to implement a statewide centralized application portal for public college applicants, it is the intent of the General Assembly that the appropriation act for the succeeding fiscal year shall contain the necessary, but reasonable, funding for the State to procure, utilizing the state's consolidated procurement code, the design, installation, and maintenance of such a system as soon as is practicable.

I. 1. Title 59 of the 1976 Code is amended by adding:

"CHAPTER 157

The State Institution of Higher Education Enterprise Act

Section 59-157-110. As used in this chapter:

(1) 'Board of trustees' or 'board' means the boards of trustees of the colleges and universities listed in Section 59-101-10.

(2) 'Capital improvement' means the constructing, improving, equipping, renovating, or repairing of any buildings, structure, facility, or other permanent improvement project, or the cost of the acquisition of land to construct or establish a building, structure, facility, or permanent improvement project as defined and limited in Section 2-47-50.

(3) 'College or university' means the colleges and universities listed in Section 59-101-10.

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(4) 'Enterprise activities' means athletic programs and functions, and auxiliary programs or functions, funded solely by funds not received from the general fund of the State or from undergraduate tuition, such as the programs or functions identified in Section 59-147-30, including, but not limited to, those primarily related to economic development, research, housing, food services, stores, and athletics, with each constituting an enterprise activity.

(5) 'Enterprise division' means an operational unit of a college or university created pursuant to this chapter.

(6) 'Enterprise division personnel' means all college or university employees or personnel who are allocated by the board of trustees to one or more enterprise activities and who devote a significant portion of their efforts to supporting enterprise activities.

(7) 'Procurement' has the same meaning as in Section 11-35-310(24).

(8) 'SCCPC' means the South Carolina Consolidated Procurement Code, as provided in Chapter 35, Title 11, and regulations promulgated pursuant to it.

(9) 'Transferable items' means, collectively, the duties, responsibilities, assets, personnel, and resources of, allocated to, or supporting an enterprise activity.

Section 59-157-120. (A) A board of trustees, by resolution, may establish an enterprise division for its college or university.

(B) An enterprise division created pursuant to this chapter is a constituent part of its college or university.

(C) The resolution creating the enterprise division must provide for allocation to the enterprise division of the transferable items of one or more enterprise activities as the board of trustees may consider appropriate. The board of trustees may amend the resolution from time to time to allocate transferable items to the enterprise division or to reallocate transferable items between the college or university and the enterprise division as it considers appropriate.

(D) The board of trustees may adopt a resolution assigning direct oversight and management responsibility for the enterprise division to an existing committee of the board of trustees or to a new committee established by the board of trustees, but final decision-making responsibility with respect to the governance of the enterprise division remains with the board of trustees.

Section 59-157-130. (A) The board of trustees has the same powers, duties, and responsibilities to manage and control the enterprise division as it does with other duties, responsibilities, assets, personnel, and

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resources of the college or university. Without limiting the foregoing, the board of trustees has the following additional authority with respect to the enterprise division:

(1) The board of trustees may purchase, lease as lessee, accept, and otherwise acquire any real and personal property and other assets upon the terms and conditions it considers appropriate. Contracts or agreements effecting or governing a purchase, lease, acceptance, or other acquisition are exempt from the provisions of Sections 1-11-55 through 1-11-65; Chapter 47, Title 2; and Section 59-103-110. The board of trustees shall provide on an annual basis a report of property acquired and any contract or agreement to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. This report must be based on the appropriate fiscal year of the college or university and must be provided not more than ninety days after the end of the fiscal year.

(2) The board of trustees may sell, convey, lease as lessor, exchange, and otherwise dispose of any real and personal property and other assets upon the terms and conditions it considers appropriate. The proceeds derived from the sale, conveyance, lease, exchange, or disposition of any real and personal property and net of transaction costs and payment of any debts, secured by the sold, conveyed, leased, exchanged, or disposed property, must be remitted to the board to be used exclusively for the support of the enterprise division or the college or university. Contracts or agreements effecting or governing the sale, conveyance, lease, exchange, or other disposition are exempt from the provisions of Sections 1-11-55 through 1-11-65, Section 10-1-130, and Section 59-101-180, as well as state surplus property laws. The board of trustees shall provide on an annual basis a report of property disposed of pursuant to this item and any contract or agreement to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. This report must be based on the appropriate fiscal year of the college or university and must be provided not more than ninety days after the end of the fiscal year.

(3) Without the necessity of additional approval, the board of trustees may retain the services of advisors, consultants, attorneys, accountants, and financial experts as necessary in the board of trustees' judgment in connection with any aspect of the enterprise division and determine the duties of those retained pursuant to this item and fix their compensation.

(4)(a) Upon approval and implementation by the State Department of Administration of the comprehensive human resources system for

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public institutions of higher learning and technical colleges pursuant to SECTION 3 of Act 74 of 2011, the board of trustees shall participate in the comprehensive human resources system for public institutions of higher learning and technical colleges, provided, however, that any existing exemptions from general state government personnel policies and applicable laws that generally regulate the state employee workforce are preserved and shall be preserved if personnel are moved into the enterprise division.

(b) The enterprise division's personnel are state employees for purposes of eligibility for participation in retirement, health insurance, and other insurance plans and programs administered by the South Carolina Public Employee Benefit Authority and for purposes of the South Carolina Tort Claims Act.

(5) The board of trustees shall establish the management controls and staffing of the enterprise division's personnel as the board considers appropriate for the prudent conduct of the enterprise division, including the establishment of an internal audit function to monitor the activities of the enterprise division.

(6) The board of trustees may enter into relationships or transactions with not-for-profit entities established, in whole or in part, to support the mission of the college or university, it being understood that a support entity is not considered an entity owned or controlled by the enterprise division or the college or university and is not subject to the laws and regulations applicable to the enterprise division. However, if a not-for-profit entity acquires a capital improvement on behalf of or for the use of the enterprise division and funds of the enterprise division or college or university are used in the acquisition, financing, construction, or current or subsequent leasing of the capital improvement, then the acquisition is subject to the provisions of the enterprise division's policies that the board adopts pursuant to this chapter.

(7) The board of trustees may issue bonds, notes, or other obligations or evidences of indebtedness in the name of the college or university and on behalf of the enterprise division in the same manner and for the same purposes, including the purposes of the enterprise division. Also, the board of trustees may utilize or benefit, as the case may be, from the provisions of the Higher Education Revenue Bond Act, as provided in Chapter 147, Title 59, and the provisions of the South Carolina Jobs-Economic Development Fund Act, as provided in Chapter 43, Title 41. This item only applies so long as the proceeds of the bonds,

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notes, or obligations are not utilized to fund a capital improvement project.

(B)(1) Capital improvements of the enterprise division, and the financing of these capital improvements, are exempt from the provisions of Section 1-11-180; Chapter 47, Title 2; and Section 59-103-110. The board shall provide on an annual basis a report of capital projects authorized by the board of trustees to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education. This report must be based on the appropriate fiscal year of the college or university and must be provided not more than ninety days after the end of the fiscal year.

(2) The board of trustees must establish a review process for the consideration of any permanent improvement project proposal by the enterprise division, and the board must approve any capital improvement project as defined in Chapter 47, Title 2 in a public vote.

(3) Notwithstanding any other provision of subsection (B), after full architecture and engineering design work is completed on a permanent improvement project, but prior to execution of a construction contract, the project must be submitted to the Joint Bond Review Committee for review and comment.

(4) The exemptions provided by subsection (B) do not apply to capital improvements for athletics that expend, secure bonding with, or otherwise utilize state appropriated funds, state general obligation capital improvement bonds, student tuition, student fees, or any other student charge except for nonmandatory ticket charges to athletic events. For purposes of this item, 'state appropriated funds' excludes federal funds and other funds that do not otherwise make this subsection inapplicable.

(5) If a capital improvement project serves multiple purposes and one or more of the purposes is not an enterprise activity, thereby causing the exemptions provided by subsection (B) to not apply, then the exemptions provided by subsection (B) do not apply for the entire capital improvement project.

(C) The board of trustees shall conduct an annual audit by independent certified public accountants selected by the board of trustees, who shall review the accounts of the enterprise division and report the findings of the audit to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee in accordance with generally accepted auditing standards and procedures.

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(D)(1) Subject to the provisions of item (D)(2), the board of trustees shall adopt for the enterprise division a procurement policy and amend the policy as it considers appropriate. Before the implementation of the procurement policy or any amendment, the policy or amendment must be approved by the State Fiscal Accountability Authority. Thereafter, every procurement of the enterprise division is exempt from the SCCPC, and each procurement instead is subject to the procurement policy adopted by the board.

(2)(a) The procurement policy adopted by the enterprise division may not include provisions relating to telecommunications, and the enterprise division is subject to all procurement provisions relating to telecommunications and telecommunications equipment and service as set forth in the SCCPC and Section 1-11-430, unless otherwise exempt by Section 11-35-710(6).

(b) The enterprise division may not construct, own, or operate a network that carries commercial traffic, commercial Internet traffic, or K-12 traffic originated in South Carolina.

Section 59-157-140. The requirements imposed upon the college or university, its board of trustees, and the enterprise division by the provisions of this chapter may be enforced by mandamus. However, failure to comply with these requirements does not invalidate the powers granted pursuant to this chapter.

Section 59-157-150. Notwithstanding any other provision of this chapter, enterprise activities may only include athletics if the college or university's Athletics Grand Total Revenues, as reported under the Equity in Athletics Disclosure Act as required by the Higher Education Opportunity Act, Public Law 110-315, are equal to or exceed forty million dollars a year.

Section 59-157-160. Four years after the adoption of a resolution providing for the allocation to the enterprise division of the transferable items of one or more enterprise activities pursuant to this chapter, and every four years thereafter, the provisions of this chapter must be reauthorized by the adoption of a joint resolution by the General Assembly, in separate legislation and solely for that purpose. If this chapter, or any part thereof, is not reauthorized, then those provisions are no longer effective.

Section 59-157-170. It is the intent of the General Assembly to review the provisions of this chapter and to determine the merit of this pilot enterprise program after the program has been in effect for at least four years. After reviewing this chapter and making a determination, the

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General Assembly may consider the costs and benefits of expanding the provisions of this chapter to additional institutions of higher learning.

Section 59-157-180. Nothing in this chapter may be construed to exempt the enterprise division from the provisions of Section 59-103-35, relating to the approval of new programs by the Commission on Higher Education. Enterprise division land transactions, including leases, and permanent improvement projects are the only functions and areas removed from the jurisdiction of the Commission on Higher Education.

Section 59-157-190. Colleges and universities are exempt from the requirements of Section 2-47-50 for permanent improvement projects that are:

(1) not part of an auxiliary division, where the cost is less than five million dollars for research universities as defined in Section 11-51-30(5) and less than two million dollars for all other colleges and universities and for which no debt, capital improvement bond funds, capital reserve funds or state-appropriated funds, or state infrastructure bond funds are required to fund the project; and

(2) included in the colleges' and universities' comprehensive permanent improvement plan."

2. Section 11-35-710 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

"() an enterprise division, if a division is established pursuant to Chapter 157, Title 59, for which the board of trustees, pursuant to Section 59-157-130(D), has adopted a procurement policy for the division that was approved by the State Fiscal Accountability Authority."

3. This SUBSECTION I takes effect upon approval by the Governor.

J. This SECTION takes effect July 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

On motion of Senator SCOTT, with unanimous consent, the amendment was withdrawn.

Amendment No. 109

Senator FANNING proposed the following amendment (WAB\419C116.SM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59-150-370(C), as contained in SECTION 20.B., by deleting the subsection and inserting:

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/ “(C) ~~A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a~~ must have graduated from high school with a minimum of a 2.75 cumulative grade point average on a 4.0 scale to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

On motion of Senator FANNING, with unanimous consent, the amendment was withdrawn.

Senator FANNING spoke on the Bill.

Senator MASSEY spoke on the Bill.

Remarks by Senator MASSEY

Mr. PRESIDENT, I hadn't intended to speak at this point. But I think it is important to make a few comments about not only the hard work that the Senate Education Committee did; but, also the work of the Senate as a whole in this effort. There has been a lot of bipartisan work. It's important to talk about the large number of very good positive things that are in this Bill. And also the very good, large number of things that we as a working Body, with the House of Representatives, have taken over the last year or so.

Teachers are experiencing the largest salary increase in 30 years. For teachers in their first few years of work, there is a nine or ten percent increase from the previous year. For those above that, it's a four percent increase. This is in addition to the step increase most of them are getting. That is a step in the right direction. We also increased money for mental health counseling, School Resource Officers, and we put more money in the base student cost. Much of that was overdue. But it is a step in the right direction. This Bill includes a number of significant positive developments. I want to go over those things. But again, this is just one step. There is much more to do.

I've heard over and over that “there may be one good thing in this Bill.” Ladies and gentlemen, with this Bill we have allowed students to

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use Palmetto Fellowship and Life Scholarships at technical colleges. We expanded Palmetto and Life Enhancement scholarships up to \$2,500.00 a year for college students majoring in education to help those students in that effort. How is that not a positive thing for teachers and for education in our State?

This Bill requires that for teachers going through the National Board Certification process for the first time, the State will pay their certification costs. This is a significant enticement for people to go into the profession. How is it not a good thing for teachers? This Bill requires that we will double the amount of reimbursement to teachers for out-of-pocket expenses they pay for in their classrooms. We have been allowing a reimbursement of up to \$275.00. Now we have doubled that to \$550.00 per teacher per year. How is that not a good thing for teachers?

This Bill for the first time requires that school boards have to follow a code of ethics and will require that school board members receive training each year. Is that not also a good thing? That is a positive step in the right direction. It is going to allow the State to have more involvement and provide more assistance to schools in districts that are really struggling. Some of these districts need more help, and this Bill will allow that to happen. If there are school board members perpetuating the problem, such as serving only for the benefits, to go on the trips, etc., this Bill will address that. They shouldn't be serving in that capacity. That is a positive development that has the potential to be transforming for education in our State. That element alone will have a significant impact on those districts.

For those students who are struggling to read -- this Bill gives them more assistance. With Senator SETZLER's help, this Bill provides for summer reading camps. This Bill provides for summer reading camps after kindergarten, after first grade, and after second grade -- not just for children after third grade. That is a very good thing for students in South Carolina. It gives them things to do during the summer, as opposed to just watching television. Senator HUTTO has been very interested in Read to Succeed, as have others in this Chamber. We have been failing at that. The goal of that program isn't intended to hold students back. It will help those students by teaching them to read. This Bill addresses that. Because what we have heard is that we have made these grand declarations about Read to Succeed, but we have been sorely failing at that. We have not been giving students what they need. We made the Read to Succeed process better through this Bill. How is that not a good thing for education in South Carolina?

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One of the biggest concerns we heard about from teachers, especially at the elementary level, is that teachers just want time to eat. They want a few minutes to themselves to catch up, to go to the restroom, just to eat. This Bill provides that by giving each teacher a 30 minute break just to themselves. That is a significant thing in this Bill.

Another concern we heard is that of the volume of unnecessary paperwork. One of the things we did in this Bill is to reduce some of that paperwork burden. That is a big win for teachers.

We also heard the National Certification Board program had expired and hadn't been reauthorized. This Bill does that, along with the significant salary enhancements to go along with that. How is that not a good thing for education?

Another significant positive of this Bill -- and I give Senator SHEHEEN credit on this -- is the expansion of 4-K to every district in this State. Every district in this State will have state-funded 4-K. That is a big win for early childhood education. Expanding that program statewide and making it state funded is a big win for children in this State. How is that not a good thing for education?

I think it is important that we focus on those positives. We need to talk about the positives in South Carolina education. There are many other positives in this Bill. There are surely challenges. But there are some good things going on, and we've done some good things here with this Bill. I want to emphasize that this is just one step. There is still much to do. But we are moving in the right direction. We're going to put more money in the budget for education this year than we did last year. Those are good things for South Carolina students and for South Carolina teachers.

There is much more work to do. This is not the end of the education reform process. It is a good, strong step in the right direction. We have begun a great conversation in education that has been wanting for decades. We do not solve every problem with this Bill. But, through a large bipartisan effort, we are making a significant step in the right direction with the passage of this Bill.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator MASSEY, were ordered printed in the Journal.

Senator HEMBREE spoke on the Bill.

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 4

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Fanning	Kimpson	Martin
McLeod		

Total--4

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

RECOMMITTED

S. 444 -- Senators Hembree, Davis, Shealy, Young, Climer, Gregory, Harpootlian, Bennett, Verdin, Campsen and Turner: A BILL TO AMEND SECTION 1-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATTENDANCE AT CIRCUIT COURT AND PREPARATION AND PUBLICATION OF THE DOCKET, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE DEVELOPMENT, DISSEMINATION, AND EXECUTION OF THE GENERAL SESSIONS COURT DOCKET PLAN; TO PROVIDE THAT THE ABILITY OF THE CIRCUIT SOLICITOR TO ADMINISTER THE DOCKET MAY NOT INTERFERE WITH A DEFENDANT'S RIGHT TO A SPEEDY TRIAL; TO ALLOW FOR THE CIRCUIT COURT TO RULE ON CASES AND CONTROVERSIES ARISING FROM THE ADMINISTRATION OF THE DOCKET; AND TO PRESERVE ALL CRIME VICTIMS' CONSTITUTIONAL RIGHTS.

On motion of Senator MALLOY, the Bill was recommitted to Committee on Judiciary.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 461 -- Senators Sheheen, Gambrell, Alexander and Cash: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (PH\461C001.JN.PH20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor and first applies to tax years beginning after 2019. /

Renumber sections to conform.

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Amend title to conform.

Senator CROMER explained the committee amendment.

The amendment was adopted.

Senator SCOTT proposed the following amendment (461R001.SP.JS), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 12-6-1140(10)(a) of the 1976 Code is amended to read:

“(10)(a) A deduction calculated as provided in this item for a volunteer firefighter, rescue squad member, volunteer member of a Hazardous Materials (HAZMAT) Response Team, reserve police officer, Department of Natural Resources deputy enforcement officer, a member of the State Guard, a member of the Joint Service Detachment, or a volunteer state constable appointed pursuant to Section 23-1-60 for the purpose of assisting named law enforcement agencies and who has been designated by the State Law Enforcement Division as a state constable not otherwise eligible for this exemption.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

On motion of Senator MASSEY, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3998 -- Reps. Bannister, Bernstein, Crawford, Pendarvis, Garvin, Herbkersman, Hosey, Alexander, Bales, Stavrinakis, Cogswell, Whitmire, Norrell, Cobb-Hunter, Dillard, Elliott, Moore, Mack, Rutherford, Govan, Bennett, Clemmons, Funderburk, Hayes, McDaniel, Ridgeway, G.M. Smith, G.R. Smith, Sottile, Weeks, Wheeler, S. Williams, Davis, Rivers, Brown, Jefferson, R. Williams, Henderson-Myers, Matthews and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT” BY

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ADDING SECTION 12-6-3795 SO AS TO ALLOW A TAXPAYER ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\3998C001.NBD.DG20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3795. (A) As used in this section:

(1) ‘Eligibility statement’ means a statement authorized and issued by the South Carolina Housing and Finance Development Authority certifying that a given project qualifies for the South Carolina housing tax credit.

(2) ‘Federal housing tax credit’ means the federal tax credit as provided in Section 42 of the Internal Revenue Code of 1986, as amended.

(3) ‘Median income’ means those incomes that are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size.

(4) ‘Project’ means a housing project that has restricted rents that do not exceed thirty percent of income for at least forty percent of its units occupied by persons or families having incomes of sixty percent or less of the median income, or at least twenty percent of the units occupied by persons or families having incomes of fifty percent or less of the median income.

(5) ‘Qualified project’ means a qualified low-income building as that term is defined in Section 42 of the Internal Revenue Code of 1986, as amended, that is located in South Carolina and receives approval for tax credits from the South Carolina Housing and Finance Development Authority provided pursuant to this section.

(6) ‘Taxpayer’ means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity that is subject to South Carolina taxes pursuant to Section 12-6-510, Section 12-6-530, Chapter 11, Title 12, or Chapter 7, Title 38.

(B)(1) A state tax credit pursuant to this section may be claimed against income taxes imposed by Section 12-6-510 or 12-6-530, bank taxes imposed pursuant to Chapter 11, Title 12, corporate license fees imposed pursuant to Chapter 20, Title 12, and insurance premium and

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retaliatory taxes imposed pursuant to Chapter 7, Title 38, to be termed the South Carolina housing tax credit, and is allowed with respect to each qualified project placed in service after January 1, 2020, and before December 31, 2030, in an amount equal to the federal housing tax credit allowed with respect to such qualified project. In computing a tax payable by a taxpayer pursuant to Section 38-7-90, the credit allowed pursuant to this section must be treated as a premium tax paid pursuant to Section 38-7-20.

(2)(a) If under Section 42 of the Internal Revenue Code of 1986, as amended, a portion of any federal housing tax credit taken on a project is required to be recaptured, the taxpayer claiming any state tax credit with respect to such project is also required to recapture a portion of any state tax credit authorized by this section. The state recapture amount is equal to the proportion of the state tax credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal housing tax credit amount subject to recapture.

(b) In the event that recapture of any South Carolina housing tax credit is required, any amended return submitted to the department, as provided in this section, shall include the proportion of the state tax credit required to be recaptured, the identity of each taxpayer subject to the recapture, and the amount of tax credit previously allocated to such taxpayer.

(3) The total amount of the tax credit allowed by this section for a taxable year may not exceed the taxpayer's income tax liability. Any unused tax credit may be carried forward to apply to the taxpayer's next five succeeding years' tax liability. The taxpayer may not apply the credit against any prior tax years' tax liability.

(4) The tax credit allowed by this section, and any recaptured tax credit, must be allocated among some or all of the partners, members, or shareholders of the entity owning the project in any manner agreed to by such persons, regardless of whether such persons are allocated or allowed any portion of the federal housing tax credit with respect to the project.

(C)(1) The authority shall promulgate rules establishing criteria upon which the eligibility statements are issued which must include consideration of evidence of local support for the project. The eligibility statement must specify the amount of the South Carolina housing tax credit allowed.

(2) The authority may not issue an eligibility statement until the taxpayer provides a report to the authority detailing how the state credit authorized by this section will benefit the tenants of the project, once

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placed in service, including, but not limited to, reduced rent, or why the state credit authorized by this section is necessary to undertake the project.

(D) The department, in consultation with the South Carolina State Housing Finance and Development Authority, may adopt rules and policies necessary to implement and administer the provisions of this section.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The amendment was adopted.

Senators JACKSON and ALEXANDER proposed the following amendment (SA\3998C002.RT.SA19), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3795(D) and inserting:

/ (D) The total amount of credits allowed for all taxpayers in all taxable years may not exceed in the aggregate, two million dollars. If the total amount of tax credits which may be claimed by all taxpayers exceeds the total amount of tax credits authorized by this subsection, the credits must be determined on a pro rata basis.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator JACKSON, with unanimous consent, the amendment was withdrawn.

Senator JACKSON proposed the following amendment (SA\3998C001.RT.SA19), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3795(D) and inserting:

/ (D) The total amount of credits allowed for all taxpayers in all taxable years may not exceed in the aggregate, two million dollars. If the total amount of tax credits which may be claimed by all taxpayers exceeds the total amount of tax credits authorized by this subsection, the credits must be determined on a pro rata basis.” /

Renumber sections to conform.

Amend title to conform.

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On motion of Senator JACKSON, with unanimous consent, the amendment was withdrawn.

Senator CAMPBELL proposed the following amendment (3998R002.KMM.PGC), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new 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.

On motion of Senator CAMPBELL, with unanimous consent, the amendment was withdrawn.

Senator LEATHERMAN spoke on the Bill.

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The Bill was read the second time, passed and ordered to a third reading.

Motion Under Rule 26B

Senator MARTIN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 754 -- Senators Hembree, Nicholson and Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-49-35 SO AS TO REQUIRE CERTAIN TRAINING OF THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-85 SO AS TO PROVIDE QUALIFICATIONS OF THE SCHOOL'S FACULTY; BY ADDING SECTION 59-49-112 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH THE STANDARD COURSE OF STUDY OF THE SCHOOL; BY ADDING SECTION 59-49-115 SO AS TO PROVIDE FOR THE AWARDED OF DIPLOMAS; BY ADDING SECTION 59-49-117 SO AS TO PROVIDE ADMISSIONS REQUIREMENTS OF STUDENTS; BY ADDING SECTION 59-49-135 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH A FOUNDATION AND MAINTAIN AN ENDOWMENT FUND FOR THE SCHOOL; BY ADDING SECTION 59-49-160 SO AS TO PROVIDE THE BOARD MAY EMPLOY CAMPUS POLICE, TO PROVIDE QUALIFICATIONS AND OTHER REQUIREMENTS OF THESE CAMPUS POLICE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON CAMPUS, AND TO PROVIDE THE BOARD MAY PROMULGATE CERTAIN RELATED REGULATIONS; TO AMEND SECTION 59-49-10, RELATING TO THE ESTABLISHMENT OF THE JOHN DE LA HOWE SCHOOL, SO AS TO RENAME AND REESTABLISH THE SCHOOL AS THE GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE, AND TO PROVIDE THE PURPOSE OF THE SCHOOL; TO AMEND SECTION 59-49-20, RELATING TO THE BOARD OF TRUSTEES, SO AS TO ADD CERTAIN EX OFFICIO MEMBERS; TO AMEND SECTION 59-49-30, RELATING TO REMOVAL OF BOARD MEMBERS BY THE GOVERNOR FOR CAUSE, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-40,

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RELATING TO MEETINGS OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-70, RELATING TO THE DECLARATION OF THE SCHOOL AS A BODY POLITIC, SO AS TO MAKE CONFORMING CHANGES CONCERNING THE RENAMING OF THE SCHOOL; TO AMEND SECTION 59-49-100, RELATING TO THE PURPOSE OF THE SCHOOL, SO AS TO PROVIDE ADDITIONAL ADMISSIONS CRITERIA; TO AMEND SECTION 59-49-110, RELATING TO THE CONDUCT OF FORESTRY AND FARM PRACTICES BY THE SCHOOL AND USE OF REVENUE DERIVED FROM THESE PRACTICES, SO AS TO PROVIDE THE SCHOOL SHALL SERVE AS A DEMONSTRATION FARM AND PROVIDE INSTRUCTION AND SUPPORT TO FARMERS AND PERSONS WORKING IN, OR WHO HAVE AN INTEREST IN, THE BUSINESS OF AGRICULTURE; TO AMEND SECTION 59-49-130, RELATING TO OBSOLETE PROVISIONS CONCERNING THE USE OF INCOME DERIVED FROM CERTAIN ENDEAVORS, SO AS TO PROVIDE FOR THE USE OF INCOME DERIVED FROM CERTAIN CURRENT ENDEAVORS OF THE SCHOOL; AND TO AMEND SECTION 59-49-150, RELATING TO EXPENSES OF STUDENTS, SO AS TO PROVIDE STUDENTS WHO ARE LEGAL RESIDENTS OF THIS STATE ARE NOT REQUIRED TO PAY TUITION BUT SHALL PAY CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES UNLESS THEY MEET CERTAIN POVERTY REQUIREMENTS, AND TO PROVIDE ALL OUT-OF-STATE AND FOREIGN EXCHANGE STUDENTS WHO ATTEND THE SCHOOL SHALL PAY TUITION AND CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\754C003.SM.WAB20), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-35. (A) All members of the board of trustees shall complete successfully a training program on the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, school leadership and board relations, student programs, finance, school law, ethics, and community relations,

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as determined by the board of trustees. Training regarding how best to serve the students in their care also must be provided.

(B) Within one year of taking office, all persons elected as members of the board of trustees after July 1, 2018, also must complete the training prescribed in subsection (A).”

SECTION 2. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-85. (A) The agricultural and natural resources instructional program may use part-time or full-time faculty members who hold advanced degrees or extensive professional experience in the agricultural and natural resources industry and whose professional expertise can be demonstrated by their training and accomplishments as recognized by state or national organizations and affiliations. As an alternative to traditional certification, these faculty members shall participate annually in professional development programs approved by the president and the board of trustees. Pursuant to this chapter, the board of trustees shall adopt policies and regulations governing development of the agricultural and natural resources instructional program.

(B) The academic program must be comprised of faculty who hold one or more degrees in the specific subject to be taught and who must have achieved traditional state certification in the area of instruction. Teacher certification must be maintained pursuant to state law and regulations.

(C) The president and the board will determine the salary scale of teachers and administrators of the school, not to exceed the highest salaries of any public school district in the State for those designated positions.”

SECTION 3. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-112. The board shall establish the standard course of study for the school. This course of study must include instruction in the areas that constitute the usual high school curriculum and provide in-depth instruction in agriculture, natural resources, and biotechnology.”

SECTION 4. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-115. The students enrolled in the school who earn a total of twenty-four units of credit distributed as specified in the Defined Minimum Program for South Carolina school districts and who meet the school’s requirements for graduation are eligible to receive a state high school diploma. The board, in its discretion, may issue its own high

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school diploma for students that exceed the state requirements for a high school diploma.”

SECTION 5. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-117. The school shall admit students in accordance with the admission criteria, standards, and procedures as established and approved by the board. To be eligible for admission to the school, an applicant must be a legal resident of South Carolina, unless the board of trustees establishes a special exemption to accept out-of-state or international exchange students. Students must have a career interest in an agricultural or natural resources field and possess a high level of commitment, motivation, and maturity.”

SECTION 6. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-135. (A) The board shall establish a foundation and maintain an endowment fund for the school that has the primary purpose of raising funds to support the furtherance of the school’s mission, goals, and objectives.

(B) The endowment fund must be organized on a nonprofit basis as a separate legal entity recognized under and in compliance with the laws of this State.

(C) The endowment fund must adopt an annual operations and capital budget. The endowment fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided by the board in consultation with the school president.

(D) Prior to taking any action, including fundraising, on behalf of the school, the board and the endowment fund must enter into a written agreement detailing the corresponding rights, duties, and responsibilities of the endowment fund.”

SECTION 7. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-160. (A) The board of trustees may employ campus police to police the buildings and grounds of the school. These campus police shall work under the supervision of the South Carolina Law Enforcement Division and may not enter into such employment unless and until they have been appointed Governor’s constables with general authority as peace officers.

(B) All traffic laws of the State are in full force and effect on the streets and roads of the school, whether such streets and roads are considered public or private.

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(C) The board may promulgate reasonable additional regulations relating to vehicular traffic within the grounds of the school including, but not limited to, parking of vehicles and reduced vehicular speeds, notwithstanding any other provision of law, and to provide penalties for violations of these regulations, not to exceed a fine of one hundred dollars. These regulations have the full force and effect of law and violations of them are triable in magistrates court. The board also may charge parking fees, issue parking passes, and erect gates and guard houses to control entry to the campus.”

SECTION 8. Section 59-49-10 of the 1976 Code is amended to read:

~~“Section 59-49-10. There is hereby established under the provisions of this chapter an institution to be known as the John De La Howe School~~

(A) There is established the Governor’s School for Agriculture at John de la Howe to provide training for students who have a career aptitude in agriculture, agribusiness, natural resources, and biotechnology. It also will serve as a research and resource center for students and conduct adult education programs for teachers, farmers, and persons involved in the industry of agricultural and natural resources. This residential and day school shall provide intensive preprofessional and professional instruction in agriculture that a student may complete to satisfy the requirements for a high school diploma and be prepared for college-level study.

(B) The school is named the Governor’s School for Agriculture at John de la Howe.”

SECTION 9. Section 59-49-20 of the 1976 Code is amended to read:

“Section 59-49-20. (A) The business, property, and affairs of the school must be under the control of a board of trustees, consisting of nine members, appointed by the Governor, subject to confirmation by the Senate. The terms of the members of the board must be for terms of five years. Appointments to fill vacancies must be for the remainder of the terms in the same manner of original appointments.

(B) The following shall serve as nonvoting ex officio members of the board:

(1) the Dean of the College of Agriculture at Clemson University or his designee;

(2) the Dean of the College of Education at Clemson University or his designee;

(3) the Dean of the School of Business at South Carolina State University or his designee;

(4) the Chair of the Department of Accounting, Agribusiness, and Economics at South Carolina State University or his designee;

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(5) the State Superintendent of Education or his designee; and

(6) the Chair of the Agriculture Program at Piedmont Technical College and the President of Piedmont Technical College.”

SECTION 10. Section 59-49-30 of the 1976 Code is amended to read:

“Section 59-49-30. ~~The members of the board may at any time be removed by the Governor for good cause~~ The Governor may remove the members of the board for good cause at any time. The failure of any member of the board to attend at least one meeting thereof in any year, unless excused by formal vote of the board, may be construed by the Governor as the resignation of such nonattending member.”

SECTION 11. Section 59-49-40 of the 1976 Code is amended to read:

“Section 59-49-40. The ~~said~~ board shall meet quarterly and ~~often~~ more often as may be required, ~~at least one meeting each year being.~~ Meetings should be held at the school.”

SECTION 12. Section 59-49-70 of the 1976 Code is amended to read:

“Section 59-49-70. The Governor’s School for Agriculture at John de la Howe School is ~~hereby~~ declared to be a body corporate and, as such, may sue and be sued and plead and be impleaded in its corporate name, may have and use a proper seal, which it may alter at its pleasure and may acquire by purchase, deed, devise, lease for a term of years, bequest or otherwise such property, real and personal, in fee simple without limitations as may be necessary or proper for carrying out the purposes of its organization as herein declared.”

SECTION 13. Section 59-49-100 of the 1976 Code is amended to read:

“Section 59-49-100. (A) It is declared to be the purpose and policy of the State to maintain and develop the school property in accordance with the purposes of the will of Dr. John de la Howe as interpreted by the Supreme Court of South Carolina, Mars v. Gibert, 93 SC 455, which for historical reference reads: ‘First, the establishment and maintenance of an agricultural and mechanical school as an institution in Abbeville County, stimulating and improving the industrial life of the entire community; second, the training, free of charge, of twenty-four boys and girls, not as college men and women, but in the beginning of school life; and, third, the like training of the children of the neighborhood not supported by the fund.’ It is declared that the term ‘Abbeville County’ shall be understood to mean that portion of South Carolina known as Abbeville County at the time the will of Dr. John de la Howe was dated,

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namely January 2, 1797. The property is now in McCormick County. It is further declared that, given the above historical perspective, the board ~~of Trustees of John de la Howe School~~ shall instruct the ~~superintendent~~ president of the school to implement programs which shall meet the needs of children from all of South Carolina ~~who for some urgent reason need to be separated from their home or community~~ who have an interest in agriculture, biotechnology, and natural resources.

(B) Under the provisions of the will and the bequest accepted by the State of South Carolina, the school must ‘educate twelve poor boys and twelve poor girls’. To meet this requirement, the school shall use the current measures of poverty as defined by the State Department of Education.

(C) Also under the provisions of the will and the subsequent bequest, the board may allow local students to attend as day students provided they meet the admissions requirements. The board will determine equity of admissions statewide.”

SECTION 14. Section 59-49-110 of the 1976 Code is amended to read:

“Section 59-49-110. ~~(A) The trustees of the John De La Howe school may carry out improved forestry and farm practices on the timber holdings and farmland of the school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and farmlands and for other school purposes.~~

(B) The school shall serve as a demonstration farm and shall provide instruction and support to farmers and persons working in, or who have an interest in, the business of agriculture.”

SECTION 15. Section 59-49-130 of the 1976 Code is amended to read:

~~“Section 59-49-130. The John De La Howe School may use all moneys received by it through condemnation or otherwise for land and other properties of the school used in connection with the development of what is known as the Clark’s Hill Project or for the development of any other similar project in the construction, erection and building of permanent improvements of and for the school and for the equipping of such improvements All income that the school receives from the sale of timber or farm products and from programs and events held on campus must be used for the construction, erection, and building of permanent improvements at the school and for maintaining and equipping of capital improvements.”~~

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SECTION 16. Section 59-49-150 of the 1976 Code is amended to read:

~~“Section 59-49-150. Pupils at the school whose estates are sufficient or the relatives of the pupils liable in law for their support whose estates are sufficient shall pay for the maintenance of the pupils in whole or in part. Policies concerning the manner and method of determining financial ability and the collecting and retention of amounts required to be paid must be determined by the Board of Trustees, in accordance with state policy.~~ A student who is a legal resident of this State may attend the school without paying tuition, but may pay fees for maintenance and food services unless he meets the poverty requirements as defined in the will of John de la Howe and by current rules or regulations of the State Department of Education defining measures of poverty. Notwithstanding these provisions, all out-of-state and international exchange students admitted to the school shall pay tuition and fees for maintenance and food services as determined by the board.”

SECTION 17. This act takes effect upon approval of the Governor./
Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (754R001.SP.GM), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 6 in its entirety and inserting:

/SECTION 6. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-135. (A) The board shall create a Development Office for the school that will be headed by an executive director. The executive director shall be an employee of the school, be hired by the head of the school, and serve at his pleasure with a salary that shall be set by the board. The board may establish and maintain an endowment fund for the school that is subject to the direction of the Executive Director of the Development Office and that has the primary purpose of raising funds to support the furtherance of the school’s mission, goals, and objectives.

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(B) The endowment fund must be organized on a nonprofit basis as a separate legal entity recognized under and in compliance with the laws of this State.

(C)(1) In consultation with the Executive Director of the Development Office, the endowment fund must adopt an annual operations and capital budget. Prior to adopting the annual budget, the head of the endowment fund must meet with the Executive Director of the Development Office and the head of the school to review the endowment fund's proposed budget, and prior to any subsequent proposed material changes to the budget. The endowment fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided to the foundation by the Executive Director of the Development Office and the head of the school.

(2) The endowment fund shall not accept any donations that are restricted in their use unless the proposed restriction is approved by the board prior to its acceptance and unless the funds are being used for a purpose that is needed by the school.

(D) Prior to taking any action, including fundraising, on behalf of the school, the board and the endowment fund must enter into a written agreement detailing the corresponding rights, duties, and responsibilities of the endowment fund." /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>

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<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 909 -- Senators Gambrell and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; TO AMEND SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; TO AMEND SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; TO AMEND SECTION 40-68-70, RELATING TO THE

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REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; AND TO AMEND SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

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NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

On motion of Senator MASSEY, the Bill was carried over.

READ THE SECOND TIME

H. 4246 -- Reps. Sandifer and Thayer: A BILL TO AMEND ACT 60 OF 2017, RELATING TO CRIMINAL BACKGROUND CHECKS BY THE REAL ESTATE COMMISSION, SO AS TO CHANGE THE TIME EFFECTIVE DATE TO JULY 1, 2020.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0

AYES

Alexander
Campbell

Allen
Campsen

Bennett
Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

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.

On motion of Senator BENNETT, the Bill was carried over.

READ THE SECOND TIME

S. 866 -- Senator Campsen: A BILL TO AMEND SECTION 5-15-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION

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5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

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READ THE SECOND TIME

S. 1026 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

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NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 3029 -- Reps. Fry, B. Newton, Crawford and Clemmons: A BILL TO AMEND SECTION 7-17-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS 7-17-530, 7-17-540, AND 7-17-550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3029.002):

Amend the bill, as and if amended, page 1, by striking line 34, in Section 7-17-560, as contained in SECTION 1 and inserting therein the following:

/ Representatives, ~~and county officers, involving more than one~~ /
Renumber sections to conform.

Amend title to conform.

Senator CAMPSER explained the committee amendment.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 881 -- Senator Cromer: A BILL TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO

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MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

On motion of Senator KIMPSON, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 882 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT" BY ADDING CHAPTER 101 TO TITLE 38 SO AS TO ADVANCE DIFFERENT FLOOD INSURANCE COVERAGES FOR THE BENEFIT OF CONSUMERS AND INSURERS.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (PH\882C001.JN.PH20), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 3, Section 38-101-40, by striking lines 1 through 16 and inserting:

/ (d) cancellation provisions that are as restrictive as the provisions contained in a standard flood insurance policy under the NFIP.

(2) Nonstandard flood insurance, which may, but is not required to, provide coverage designed to supplement a flood policy obtained from the NFIP or from an insurer issuing standard flood insurance pursuant to this section. This includes any other policy issued for the coverage of flood that does not meet the definition of a standard flood insurance policy as defined above. Nonstandard flood insurance also includes policies that have a broader definition of flood than that provided for in Section 38-101-20(1) and discretionary acceptance private flood insurance as provided for in 12 C.F.R. Part 208.25.

(B) Flood insurance deductibles and policy limits must be prominently noted on the policy declarations page or face page of the policy at issuance and renewal in at least ten-point font. /

Amend the bill further, SECTION 2, page 6, by striking Section 38-101-110(C) and inserting:

/ (C) An insurer or agency who knowingly (1) misrepresents that a flood policy, contract, or endorsement is certified pursuant to this chapter or (2) misrepresents the scope of the coverage of the flood insurance policy, contract, or endorsement commits an unfair or

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deceptive act pursuant to Section 38-57-10, et seq. and is subject to the penalties set forth in this chapter. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 980 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN explained the Bill.

On motion of Senator SETZLER, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 690 -- Senators Campsen, Senn, Davis and Campbell: A BILL TO AMEND SECTION 48-22-40 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE SOUTH CAROLINA GEOLOGICAL SURVEY UNIT OF THE DEPARTMENT OF NATURAL RESOURCES, TO AUTHORIZE THE DIVISION TO CONDUCT TOPOGRAPHIC MAPPING USING LIGHT DETECTION AND RANGING (LiDAR) DATA COLLECTIONS TO ENSURE COMPLIANCE WITH CERTAIN FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARDS, TO REQUIRE THE DIVISION TO PROVIDE THIS INFORMATION TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES FLOOD MITIGATION PROGRAM, AND TO REQUIRE THAT THE TOPOGRAPHIC MAPS BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT OF NATURAL RESOURCES' WEBSITE.

The Senate proceeded to the consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (690R001.KMM.PGC), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 33 and inserting:

/ranging (LiDAR) data collections at least every seven years and share /

Amend the bill further, as and if amended, page 2, by striking line 4 and inserting:

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/SECTION 2. This act takes effect upon approval by the Governor,
subject to funding in the annual general appropriations act. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the committee amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read
the second time, passed and ordered to a third reading.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 868 -- Senators Campsen and Campbell: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

The Senate proceeded to the consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (868R001.KMM.PGC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 34-37 and inserting:

/ (b) If there is no primary oceanfront sand dune, then the baseline must be established at whichever is further landward of the following:

(i) the most seaward of the locations specified in item (4); or

(ii) the landward edge of the active beach. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>

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<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

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. 4811 -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest, Hixon and Ligon: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

The Senate proceeded to the consideration of the Bill.

Senator GOLDFINCH explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson

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Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 1069 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO CONTRACTOR PERFORMANCE EVALUATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4916, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

Senator GROOMS explained the Resolution.

On motion of Senator RICE, the Resolution was carried over.

CARRIED OVER

S. 1070 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO DISQUALIFICATION AND SUSPENSION FROM PARTICIPATION IN CONTRACTS WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4917,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,
TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

Senator GROOMS explained the Resolution.

On motion of Senator GROOMS, the Resolution was carried over.

READ THE SECOND TIME

S. 9 -- Senators Peeler, Johnson, Rice, Gregory, Turner, Bennett, Climer, Grooms and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN IT IS LAWFUL TO DRIVE A VEHICLE IN THE LEFT LANE OF AN INTERSTATE HIGHWAY, AND TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A TRAFFIC TICKET MAY BE ISSUED FOR THE VIOLATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

Motion Under Rule 26B

Senator YOUNG asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the second reading of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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

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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 Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\545C001.NBD.DG20), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 12-39-70 of the 1976 Code is amended to read:

“Section 12-39-70. For the purpose of appraising and assessing personal property of businesses and other entities under the jurisdiction of the county auditor, the county auditor must use the department’s Form PT-100 and shall follow the classification of the most recent North American Industry Classification System Manual, as follows:

- (1) Sector 11, subsectors 111, 112, 113, 114, and 115, unless exempt;
- (2) Sector 52, subsectors 522, 523, 524, and 525; Sector 53, subsectors 531 and 533; and Sector 55, subsector 551, unless exempt;
- (3) Sector 51, subsector 512; Sector 54, subsector 541; Sector 61, subsector 611; Sector 62, subsectors 621, 622, 623, and 624; Sector 71, subsector 712; Sector 72, subsector 721; and Sector 81, subsectors 813 and 814, unless exempt.”

SECTION 2. This act takes effect upon approval by the Governor and applies to property tax returns due after December 31, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms

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Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

RECOMMITTED

S. 883 -- Senators Cromer, Setzler, Massey, Jackson and Shealy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

On motion of Senator GROOMS, the Bill was recommitted to Committee on Transportation.

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**COMMITTEE AMENDMENT ADOPTED,
READ THE SECOND TIME**

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.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\3485C001.NBD.DG20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1.B. and inserting:

/ B.Section 12-6-3535 of the 1976 Code is amended by adding appropriately lettered subsections to read:

“() (1) A taxpayer claiming a credit pursuant to this section must pay a preliminary fee and a final fee to the Department of Archives and History for the State Historic Preservation Grant Fund based on the estimated qualified rehabilitation expenses or the actual rehabilitation expenses of the project, respectively, as set forth in items (2) and (3).

(2) The preliminary fee must be paid before review of an Historic Preservation Certification Application, Part 2, or a Certified Rehabilitation Application, S2. The fee schedule is as follows:

Projects less than \$500,000

0% of estimated expenses

Projects at least \$500,000 but less than 2,000,000

.1% of estimated expenses

Projects at least \$2,000,000 but less than \$4,000,000

.25% of estimated expenses

Projects \$4,000,000 or greater

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.5% of estimated expenses.

(3) The final fee must be paid before review of an Historic Preservation Certification Application, Part 3, or a Certified Rehabilitation Application, S3, less any amount paid as a preliminary fee. The fee schedule is as follows:

Projects less than \$500,000

0% of actual expenses

Projects at least \$500,000 but less than \$2,000,000

.25% of actual expenses

Projects at least \$2,000,000 but less than \$4,000,000

.5% of actual expenses

Projects \$4,000,000 or greater

1.0% of actual expenses.

() The Department of Archives and History shall develop an application process for distribution of funds from the State Historic Preservation Grant Fund, to include eligibility criteria and grant requirements.” /

Amend the bill further, page 3, by striking lines 13-38 and inserting:

/ B. Contributions made to the Department of Archives and History as provided in this act may be designated on an income tax return for tax years beginning after 2019.

SECTION 3. Except as otherwise provided, this act takes effect upon approval by the Governor and applies to income tax years beginning after 2019. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto

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Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

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. 3695 -- Reps. Calhoon, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten, Hill and Jones: A BILL TO AMEND SECTION 56-3-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO PROVIDE THAT FOR THE SOLE PURPOSE OF DETERMINING HIGH MILEAGE TAX DEDUCTIONS, MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES SHALL BE CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 865 -- Senators Jackson, Hutto and Shealy: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 892 -- Senators Shealy, Hutto, Jackson and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT" BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

The Senate proceeded to the consideration of the Bill.

WEDNESDAY, MARCH 4, 2020

The Committee on Family and Veterans' Services proposed the following amendment (892R001.KMM.KS), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 7-21 and inserting:

/protocol and updated training as needed for this purpose. The protocol must be publicly available and must be reviewed annually and updated as needed by an advisory committee known as the Child Abuse Protocol Review Committee.

(B)(1) The Governor shall appoint the members of the advisory committee and may consult with the South Carolina Children's Justice Act Task Force and the South Carolina Network of Children's Advocacy Centers in making his appointments. The advisory committee shall consist of ten members as follows:

- (a) the Executive Director of the South Carolina Network of Children's Advocacy Centers, or his designee;
- (b) one member from state law enforcement;
- (c) one member from county law enforcement;
- (d) one member from a solicitor's office;
- (e) the Executive Director of the Department of Social Services, or his designee;
- (f) one member who is the Medical Director of the South Carolina Children's Advocacy Medical Response System, or his designee;
- (g) one member from the State Guardian Ad Litem Program or Richland County Court Appointed Special Advocates;
- (h) one member from a school district; and
- (i) two at-large members.

(2) The Department of Children's Advocacy shall convene the first meeting of the advisory committee for the purpose of electing a chair and shall thereafter provide staff support to the advisory committee. Members of the advisory committee shall serve for terms of four years and may serve in a holdover capacity for up to six months after the expiration of their term, should a qualified successor not be appointed. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the committee amendment.

The amendment was adopted.

WEDNESDAY, MARCH 4, 2020

Senator SHEALY proposed the following amendment (892R002.KMM.KS), which was adopted:

Amend the bill, as and if amended, by striking Section 63-11-2410(B) and inserting:

/ (B)(1) The Governor shall appoint the members of the advisory committee and may consult with the South Carolina Children's Justice Act Task Force and the South Carolina Network of Children's Advocacy Centers in making his appointments. The advisory committee shall consist of eleven members as follows:

- (a) the Executive Director of the South Carolina Network of Children's Advocacy Centers, or his designee;
- (b) one member from state law enforcement;
- (c) one member from county law enforcement;
- (d) one member from a solicitor's office;
- (e) the Executive Director of the Department of Social Services, or his designee;

- (f) one member who is the Medical Director of the South Carolina Children's Advocacy Medical Response System, or his designee;

- (g) one member from the State Guardian Ad Litem Program or Richland County Court Appointed Special Advocates;

- (h) one member from a school district;

- (i) one member from a statewide organization experienced in working with children with all disabilities; and

- (j) two at-large members.

(2) The Department of Children's Advocacy shall convene the first meeting of the advisory committee for the purpose of electing a chair and shall thereafter provide staff support to the advisory committee. Members of the advisory committee shall serve for terms of four years and may serve in a holdover capacity for up to six months after the expiration of their term, should a qualified successor not be appointed. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

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

S. 1017 -- Senators Shealy and Alexander: A BILL TO AMEND SECTION 43-26-90 OF THE 1976 CODE, RELATING TO BUILDINGS NOT SUBJECT TO CERTAIN PROVISIONS CONCERNING THE OPERATION OF VENDING FACILITIES BY BLIND PERSONS, TO INCLUDE LOCAL DETENTION FACILITIES.

The Senate proceeded to the consideration of the Bill.

WEDNESDAY, MARCH 4, 2020

The Committee on Family and Veterans' Services proposed the following amendment (1017R002.KD.MWG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 43-26-90 of the 1976 Code is amended to read:

“Section 43-26-90. (A) This chapter does not apply to hospitals; four-year institutions of higher learning and their branches; public elementary and secondary schools; technical education institutions; the South Carolina State Museum; property under the Patriots Point Development Authority jurisdiction; facilities devoted primarily to athletics; ~~or to state, municipal, county, or civic center auditoriums and assembly halls; or local detention facilities, except as provided pursuant to subsection (B).~~ As many as two coin operated vending machines may be placed in buildings on the public property if the machines are not located in a building where there is a vending facility operated by the commission.

(B) This chapter does not apply to any commissary services provided in local detention facilities. The commission may operate vending facilities in publicly accessible areas of local detention facilities or within secure areas of local detention facilities.”

SECTION 2. Section 43-26-10 of the 1976 Code is amended by adding an appropriately lettered new item to read:

“() ‘Commissary services’ means a store, purchasing location, or purchasing service within a local detention facility established solely for inmates, from which inmates can purchase products, including those items enumerated in Section 43-26-60.”

SECTION 3. Pursuant to Section 43-26-90, as amended by this act, the South Carolina Commission for the Blind may operate vending facilities in publicly accessible areas of local detention facilities or within secure areas of local detention facilities that were operating on the effective date of this act.

SECTION 4. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the committee amendment.

The amendment was adopted.

WEDNESDAY, MARCH 4, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 1027 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10 OF THE 1976 CODE, RELATING TO THE COMMISSION FOR THE BLIND, TO PROVIDE THAT MEETINGS SHALL BE HELD AT LEAST ONCE A QUARTER.

The Senate proceeded to the consideration of the Bill.

Senator GAMBRELL explained the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4439 -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS "ATOMIC VETERANS DAY" IN SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

Senator GAMBRELL explained the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 758 -- Senator Gregory: A BILL TO AMEND SECTION 40-6-240(B) OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR LICENSED AUCTIONEERS, TO PROVIDE THAT A LICENSEE WHO IS SIXTY-FIVE YEARS OLD OR OLDER WITH TWENTY-FIVE YEARS OF LICENSURE MAY APPLY FOR A CONTINUING EDUCATION WAIVER.

The Senate proceeded to the consideration of the Bill.

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Senator MARTIN proposed the following amendment (758R001.KMM.SRM), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 30-31 and inserting:

/manager is a licensed auctioneer. A licensee with a minimum of twenty-five years of licensure /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

Senator DAVIS explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--46

NAYS

Total--0

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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. 4702 -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Turner
Young

Sheheen
Verdin

Talley
Williams

Total--46

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

H. 3967 -- Reps. Mace, Trantham, Kimmons, Crawford, Henderson-Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb-Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Matthews, G.R. Smith, Garvin, Rose, B. Cox, Caskey, Moore and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-35 SO AS TO PROVIDE METHODS OF RESTRAINING INMATES WITH A CLINICAL DIAGNOSIS OF PREGNANCY OR IN POSTPARTUM RECUPERATION.

The Senate proceeded to the consideration of the Bill.

Senator SENN proposed the following amendment (CM\3967C002.GT.CM20), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-13-35, by adding the following appropriately lettered subsection at the end to read:

/ () If a state correctional facility, local detention facility, prison camp or work camp, or the employees of these facilities are unaware that an inmate is either pregnant or has been clinically diagnosed as pregnant, then neither the facility or its employees are legally liable or responsible for any loss or damage suffered by the inmate under this section. /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

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The amendment was adopted.

Senator McLEOD proposed the following amendment (CM\3967C003.GT.CM20), which was adopted:

Amend the bill, as and if amended, Section 24-14-25, as contained in SECTION 1, by adding the following appropriately lettered subsections to read:

/ () Correctional facility, local detention facility, and prison or work camp employees, other than certified healthcare professionals, must not conduct invasive body cavity searches of known pregnant inmates unless there is a reasonable belief the inmate is concealing contraband.

() Correctional facilities, local detention facilities, and prison or work camps must ensure known pregnant inmates are provided sufficient food and dietary supplements as ordered by a physician, physician staff member, or a facility nutritionist to meet generally accepted prenatal nutritional guidelines.

() Correctional facilities, local detention facilities, and prison or work camps must not place a known pregnant inmate, or any female inmate who has given birth within the previous thirty days, in restrictive housing unless there is a reasonable belief the inmate will harm herself, the fetus, or another person, or pose a substantial flight risk. This subsection does not apply if protective custody is requested by a known pregnant inmate or any female inmate who has given birth within the previous thirty days.

() Correctional facilities, local detention facilities, and prison or work camps must not assign a known pregnant inmate to any bed that is elevated more than three feet from the facility's floor.

() Correctional facilities, local detention facilities, and prison or work camps must ensure that sufficient menstrual hygiene products are available at each facility for all women under their care who have an active menstrual cycle. Indigent inmates must be provided the hygiene products at no cost.

() Correctional facilities, local detention facilities, and prison or work camps must limit, when practical, bodily inspections of a female inmate by male officers when the female inmate is naked or only partially clothed.

() To the extent practicable, the Department of Corrections must authorize minor dependents to visit inmates with low or minimum-security classifications at least once per week, and authorize contact visits for these inmates with the minor dependents. /

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Renumber sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 954 -- Senators Scott and Setzler: A BILL TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY

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AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

The Senate proceeded to the consideration of the Bill.

Senator RICE explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

Motion Under Rule 26B

Senator SETZLER asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

OBJECTION

S. 890 -- Senators Massey, Climer, Harpootlian, Campsen, Senn, Young, Shealy, Turner, Talley, Cash and Rice: A SENATE RESOLUTION TO AMEND THE RULES OF PROCEDURE FOR THE SENATE, BY ADDING RULE 55, TO REQUIRE CERTAIN DISCLOSURES FOR APPROPRIATIONS REQUESTS BY MEMBERS.

Senator WILLIAMS objected to consideration of the Resolution.

ADOPTED

S. 1133 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2020 AS "ZERO TOLERANCE FOR LITTER MONTH" IN SOUTH CAROLINA AND TO URGE THE STATE'S LAW ENFORCEMENT OFFICERS TO WORK TOGETHER THIS MONTH AND THROUGHOUT THE YEAR FOR A CLEANER COMMUNITY, THUS PRESERVING THE NATURAL BEAUTY OF OUR COMMUNITY, OUR STATE, AND OUR COUNTRY.

The Resolution was adopted.

S. 1000 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 701 NORTH FROM ITS INTERSECTION WITH THE CITY LIMITS OF THE CITY OF LORIS TO A POINT ONE MILE NORTH OF THIS INTERSECTION, AND THE PORTION OF UNITED STATES HIGHWAY 701 SOUTH FROM ITS INTERSECTION WITH THE

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CITY LIMITS OF THE CITY OF LORIS TO A POINT ONE MILE SOUTH OF THIS INTERSECTION "HENRY L. NICHOLS HIGHWAY", AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG BOTH PORTIONS OF HIGHWAY THAT CONTAIN THESE WORDS.

The Resolution was adopted, ordered sent to the House.

H. 3563 -- Reps. Murphy, Bennett, Chellis, Jefferson, Kimmons, Mack and Pendarvis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF ORANGEBURG ROAD (S-18-22) AND DORCHESTER ROAD (SOUTH CAROLINA HIGHWAY 642) IN DORCHESTER COUNTY "BENJAMIN JAMES SINGLETON, SR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

H. 4931 -- Rep. G.R. Smith: A CONCURRENT RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS STUDENT GOVERNMENT FALL CONFERENCE AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE, AND THE RESPECTIVE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

The Resolution was adopted, ordered returned to the House.

CARRIED OVER

H. 5098 -- Reps. Clemmons, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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,

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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, 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 EXPRESS PROFOUND SORROW AND EXTEND DEEPEST SYMPATHY TO THE PEOPLE OF OMAN IN THE DEATH OF SULTAN QABOOS BIN SAID, TO RECOGNIZE AND HONOR SULTAN HAITHAM BIN TARIQ AL SAID, WISH HIM SUCCESS IN HIS FUTURE ENDEAVORS AS THE SULTAN OF OMAN, AND TO EXPRESS GRATITUDE FOR AND HOPE TO CONTINUE THE STRONG RELATIONSHIP BETWEEN THE UNITED STATES AND OMAN THAT HAS BEEN IN PLACE SINCE 1790.

The Senate proceeded to the consideration of the Resolution.

Senator MARTIN explained the Resolution.

On motion of Senator M.B. MATTHEWS, the Resolution was carried over.

ADOPTED

H. 5008 -- Rep. Oremus: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BELVEDERE CLEARWATER ROAD (SOUTH CAROLINA HIGHWAY 126) IN AIKEN COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH AUGUSTA ROAD (SOUTH CAROLINA HIGHWAY 421) THE "HONORABLE RONALD 'RONNIE' YOUNG MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4109 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TILLMAN AVENUE IN THE TOWN OF VARNVILLE FROM ITS INTERSECTION WITH WEST PINE

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STREET TO ITS INTERSECTION WITH HAMPTON ROAD "H. J. BROOKS AVENUE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4762 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT SIGNS ALONG THE PORTION OF SOUTH CAROLINA HIGHWAY 63 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 278 TO ITS INTERSECTION WITH BROOKWOOD DRIVE CONTAINING THE WORDS "HOME OF DWIGHT SMITH #7 ATLANTA BRAVES WORLD SERIES CHAMPION 1995".

The Resolution was adopted, ordered returned to the House.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following name was reported to the Senate in open session:

STATEWIDE APPOINTMENT

Confirmation

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

Initial Appointment, Secretary of South Carolina Department of Veterans' Affairs, with term coterminous with the Governor

Major General William F. Grimsley, 226 Green Winged Teal Drive S., Beaufort, SC 29907-1053

On motion of Senator SHEALY, the question was confirmation of William F. Grimsley.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Alexander
Campbell

Allen
Campsen

Bennett
Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Harpootlian	Hembree
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Williams	Young	

Total--38

NAYS

Total--0

The appointment of William F. Grimsley was confirmed.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Elbert O. Duffie III, 1075 Dallas Lane, Walterboro, SC 29488-8190

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senators PEELER, ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, GROOMS, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, LOFTIS, MALLOY, MARTIN, MASSEY, JOHN MATTHEWS, MARGIE BRIGHT MATTHEWS, McELVEEN, McLEOD, NICHOLSON, RANKIN, REESE, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, SHEHEEN, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David Buxton Jones of Columbia, S.C. Mr. Jones was the father-in-law of our beloved Senate Clerk, Jeffrey Gossett. Mr. Jones earned an electrical engineering degree from Clemson University and worked for 42 years with SCE&G as a Communication Engineer where he held both a First Class FCC and professional engineer license. He proudly served our country in the United States Army and Army Reserves for over nine years. Mr. Jones was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Phillip Hunter Prince of Clemson, S.C. Dr. Prince was very active while attending Clemson and later became the twelfth president of Clemson University. He served our country in the U.S. Army. Phillip signed with the New York Giants football team but his career was cut short due to an injury. He began his career working for Milliken Company and later became senior vice president of American Express and Synco Property Inc. Dr. Prince was a loving companion, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 5:12 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

Thursday, March 5, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Proverbs 16:3

“Commit to the Lord whatever you do, and he will establish your plans.”

Let us pray. Lord God, so often we praise You for what You have already done for us in the past. Today however, as this Senate Body moves forward to make difficult decisions in the future, we want to praise You in advance for Your presence here to guide them, strengthen them and inspire them throughout each day.

Thank You O God, for Your promises and for the gift of trust. Help us to accept it graciously for our trust in You enables us to trust in those who sit beside us, across from us and on the opposite side of this Chamber.

Our times will be challenging Lord but our faith and hope will be in Your hands. May our actions reflect openness and a resolve to treat others as we would want to be treated. We pray this in Your holy name. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Goldfinch	Gregory

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Grooms	Harpootlian	Hembree
Hutto	Johnson	Loftis
Martin	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Doctors of the Day

Senator SETZLER introduced Dr. March Seabrook of West Columbia, S.C., Doctor of the Day.

Senator SETZLER introduced Dr. Rajeev Vasudeva of West Columbia, S.C., Doctor of the Day.

Leave of Absence

At 11:24 A.M., Senator GROOMS requested a leave of absence for Senator CAMPBELL for the day.

Leave of Absence

At 11:24 A.M., Senator GROOMS requested a leave of absence for Senator CROMER for the day.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT. Just a few moments ago we received a notice that Prisma Health was buying another hospital in the Midlands -- Providence Hospital. Mr. PRESIDENT, members of the Senate, I am standing here today to voice my concern and outrage over what's going on with what I'm calling healthcare monopoly.

Just a few months earlier Prisma Health laid off almost 300 employees from the hospital that they recently purchased, Palmetto Health. Many were constituents of mine and others elected in Richland County. What is so unfortunate is many could not afford to have lost their job when they did. Some just before the holidays. Cafeteria workers and administrators lost their jobs. Prisma Health said to us it was important

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in order to balance the budget and do what they need to do. Yet just today we have received the notice that Prisma Health is buying Providence Hospital in Richland County. This is very disturbing. When you think about the impact of a healthcare monopoly -- perhaps with the merger and purchase of this most recent hospital, Prisma Health, one entity, may control three-quarters of all of the healthcare providers in this market that they are buying up -- not those offices and others. I think at some point, Senator VERDIN, we ought to examine whether or not these healthcare monopolies are good for the citizens of South Carolina. Now I don't have any personal problem with Prisma Health. Quite honestly, I was a bigger fan of Palmetto Health before it became Prisma Health. Many may be familiar with it. The debate there were promises to people from Richland County that were never fulfilled. County council -- if you ask them today if you would do it over, some of them, most of them perhaps would say it was a mistake. In fact, perhaps some would say they were misled by Prisma Health, at that time Greenville Hospital System. This may be good for someone. It may be good for people that I don't know about. I'm here to tell you, it is not good for the citizens that live in Richland County. My colleagues from the House, Representative Howard is here and he chairs the 3M Committee. He can tell you we have met with representatives from Prisma Health and talked to employees. There are some employees who came to us privately crying just before the holidays -- not just that they were laid off but at how it happened. They walked in their office a few days before the holidays and were told it will be their last day -- pack your bags, we are escorting you off the premises. This is the kind of company we are dealing with.

I just had to stand this morning to say at some point I hope we as a legislative body deal with this healthcare monopoly. We've dealt with others in the Senate. There are some concerns right now as we debate the Santee Cooper possession of whether or not it is wise to allow a company to manage it who's already taken over a big footprint in this State. I will suggest to you it is an even greater concern when it comes to healthcare because it impacts so many citizens from Pickens County to Sumter County to Greenville County to Richland County. Perhaps they will travel down to the lowcountry and take over some other hospitals down in the Charleston market and others. But I am sure I'm not the only one who feels this way. I represent a big part of those who have been negatively impacted. Thank you, Mr. PRESIDENT and members.

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On motion of Senator SETZLER, with unanimous consent, the remarks of Senator JACKSON, were ordered printed in the Journal.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

Remarks by Senator SENN

Colleagues, for two years we fought over plastic bags and whether communities could be able to stop plastic bags from being given out in their stores, so hopefully they would not get into the waterways. Unfortunately, in our area of Charleston last summer there was a spill of something called a nurdle and here is what a nurdle looks like.

Those of you who do not know these are basically pre-production plastics; it's not microplastic, but these are being entered into our harbor through a company that actually is a tenant at the Port. Their facility hangs over the Port and every time they spill these things, which is often, they run around like little BBs and they get right into our water. You can pick up this amount of pellets -- I challenge you, if you go to Waterfront Park, you can pick up this amount of pellets in maybe 15 or 20 minutes just looking over the rail. Climb down there and this is what you can pick up.

I filed a Bill to try to stop this, S. 941, because DHEC does not have the authority to regulate or fine these nurdle manufacturers, and I think they should. Unfortunately, that Bill has not seen the light of day because the Port objects. Why would the Port object you might ask? Well that's because the Port hopes to get one-half of all nurdle shipping business within the next three or four years and they expect by 2023, ten million more tons will be coming in through Charleston. There was a recent study by an academic out of Texas that was looking into the nurdle pollution. She found that Charleston Harbor has the most polluted harbor with these nurdles of anywhere in the country, except for the Gulf of Mexico where they are produced. The Port for some reason, for whatever reason, is allowing this to continue to happen. And what I'm hearing is that...well Frontier is going to be moving over land soon and therefore we've only got a few more years for them to pollute the harbor while they're building their facility. However, Frontier previously had their facility over land and polluted their neighbors' property with all of these little pellets because they're easy...you hit them with any type of a forklift and they are going to run everywhere and you can't contain them. So, even over land these little things, that can even blow around in the wind, are going to get into our storm water system and waterways.

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I am hopeful that I am going to be able to get some type of a study, even though I don't even really know why we need a study, because you can look over the railing at the harbor and see that you've got these plastics in the water. But, a study is better than nothing and I would appreciate that we at least get the study going so that maybe next year, or some year, we will be able to actually regulate this industry. Because even though it is going to be bringing a bunch of money to our area, money is not as important as the environment in my judgement. I would also like to point out that Frontier has been sued by conservationists based on the Clean Water Act since DHEC did not have authority to act. What is highly unusual, in my view, is that Frontier and the Port are sharing the same lawyer -- defending that suit. That tells you how in bed they are with the nurdle industry over money and that needs to be stopped. Thank you, Mr. PRESIDENT.

On motion of Senator MARTIN, with unanimous consent, the remarks of Senator SENN, were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 690	Sen. Talley
S. 868	Sen. Senn
S. 906	Sen. M.B. Matthews
S. 983	Sen. Harpootlian
S. 997	Sen. Setzler
S. 1088	Sen. Fanning

CO-SPONSORS REMOVED

The following co-sponsors were removed from the respective Bills:

S. 690	Sen. Talley
S. 1087	Sen. Shealy

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1149 -- Senators Jackson, Scott, McLeod and Harpootlian: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF ADELL THOMPSON ADAMS, TO CELEBRATE HER LIFE, AND EXTEND THE DEEPEST

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SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1150 -- Senator Grooms: A BILL TO AMEND SECTION 31-12-70, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS OF A REDEVELOPMENT AUTHORITY, SO AS TO PROVIDE THAT CERTAIN REDEVELOPMENT FEES MAY BE USED FOR THE FINANCING, ACQUIRING, DEVELOPING, SUPPORTING, AND OPERATING OF CERTAIN MUSEUM PROJECTS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1151 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO CONGRATULATE BRIGADIER GENERAL RALPH DOUGLAS "DOUG" GARDNER, RETIRED, ON THE OCCASION OF HIS EIGHTIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Concurrent Resolution was adopted, ordered sent to the House.

REPORTS OF STANDING COMMITTEES

Senator ALEXANDER from the Committee on Labor, Commerce and Industry polled out S. 1041 favorable with amendment:

S. 1041 -- Senator Climer: A BILL TO AMEND SECTION 39-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO ADD THE DEFINITION OF "LATE FEE"; TO AMEND SECTION 39-20-30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

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Poll of the Labor, Commerce and Industry Committee

Polled 17; Ayes 17; Nays 0

AYES

Alexander	Setzler	Reese
Leatherman	Williams	Massey
Davis	Scott	Bennett
Corbin	Johnson	Allen
Sabb	Gambrell	Climer
Goldfinch	Senn	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 1051 -- Senator Campbell: A SENATE RESOLUTION TO RECOGNIZE NOVEMBER 19, 2020, AS "TRANSPORTATION SECURITY ADMINISTRATION APPRECIATION DAY" IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 1084 -- Senator Grooms: A BILL TO AMEND ARTICLE 3, CHAPTER 25, TITLE 57 OF THE 1976 CODE, RELATING TO THE HIGHWAY ADVERTISING CONTROL ACT, BY ADDING SECTION 57-25-187, TO PROVIDE THAT AN OWNER OF AN OUTDOOR ADVERTISING SIGN SHALL HAVE THE OPTION TO RELOCATE OR ADJUST THE SIGN IF THE SIGN IS OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER, TO PROVIDE THAT THE COST OF RELOCATING OR ADJUSTING THE SIGN SHALL BE PAID BY THE ENTITY RESPONSIBLE FOR THE CONSTRUCTION OF THE SOUND BARRIER, AND TO PROVIDE THAT A LOCAL GOVERNMENT SHALL PROVIDE COMPENSATION IF THE DEPARTMENT OF

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TRANSPORTATION ISSUES AN ENCROACHMENT PERMIT TO THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF A SOUND BARRIER WITHIN A HIGHWAY RIGHT-OF-WAY; AND TO AMEND SECTION 57-25-190 OF THE 1976 CODE, RELATING TO COMPENSATION FOR THE REMOVAL OF SIGNS AND RELOCATION OF SIGNS AFFECTED BY HIGHWAY PROJECTS, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY JUST COMPENSATION UPON THE REMOVAL OF AN OUTDOOR ADVERTISING SIGN IF THE VISIBILITY OR READABILITY OF THE SIGN HAS BEEN OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER WITHIN THE HIGHWAY RIGHT-OF-WAY.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out H. 5282 favorable:

H. 5282 -- Rep. Howard: A CONCURRENT RESOLUTION TO DECLARE MARCH 2020 AS BLEEDING DISORDERS AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO INCREASE RECOGNITION OF THESE ILLNESSES.

**Poll of the Medical Affairs Committee
Polled 17; Ayes 17; Nays 0**

AYES

Verdin	Peeler	Jackson
Hutto	Martin	Nicholson
Scott	Alexander	Davis
Johnson	Campbell	Corbin
Kimpson	<i>Margie Matthews</i>	Gambrell
Senn	Cash	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

OBJECTIONS

H. 3998 -- Reps. Bannister, Bernstein, Crawford, Pendarvis, Garvin, Herbkerman, Hosey, Alexander, Bales, Stavrinakis, Cogswell, Whitmire, Norrell, Cobb-Hunter, Dillard, Elliott, Moore, Mack, Rutherford, Govan, Bennett, Clemmons, Funderburk, Hayes, McDaniel, Ridgeway, G.M. Smith, G.R. Smith, Sottile, Weeks, Wheeler, S. Williams, Davis, Rivers, Brown, Jefferson, R. Williams, Henderson-Myers, Matthews and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT" BY ADDING SECTION 12-6-3795 SO AS TO ALLOW A TAXPAYER ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT.

Senator BENNETT objected to consideration of the Bill.

S. 754 -- Senators Hembree, Nicholson and Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-49-35 SO AS TO REQUIRE CERTAIN TRAINING OF THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-85 SO AS TO PROVIDE QUALIFICATIONS OF THE SCHOOL'S FACULTY; BY ADDING SECTION 59-49-112 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH THE STANDARD COURSE OF STUDY OF THE SCHOOL; BY ADDING SECTION 59-49-115 SO AS TO PROVIDE FOR THE AWARDING OF DIPLOMAS; BY ADDING SECTION 59-49-117 SO AS TO PROVIDE ADMISSIONS REQUIREMENTS OF STUDENTS; BY ADDING SECTION 59-49-135 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH A FOUNDATION AND MAINTAIN AN ENDOWMENT FUND FOR THE SCHOOL; BY ADDING SECTION 59-49-160 SO AS TO PROVIDE THE BOARD MAY EMPLOY CAMPUS POLICE, TO PROVIDE QUALIFICATIONS AND OTHER REQUIREMENTS OF THESE CAMPUS POLICE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON CAMPUS, AND TO PROVIDE THE BOARD MAY PROMULGATE CERTAIN RELATED REGULATIONS; TO AMEND SECTION 59-49-10, RELATING TO THE ESTABLISHMENT OF THE JOHN DE LA HOWE SCHOOL, SO AS TO RENAME AND REESTABLISH

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THE SCHOOL AS THE GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE, AND TO PROVIDE THE PURPOSE OF THE SCHOOL; TO AMEND SECTION 59-49-20, RELATING TO THE BOARD OF TRUSTEES, SO AS TO ADD CERTAIN EX OFFICIO MEMBERS; TO AMEND SECTION 59-49-30, RELATING TO REMOVAL OF BOARD MEMBERS BY THE GOVERNOR FOR CAUSE, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-40, RELATING TO MEETINGS OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-70, RELATING TO THE DECLARATION OF THE SCHOOL AS A BODY POLITIC, SO AS TO MAKE CONFORMING CHANGES CONCERNING THE RENAMING OF THE SCHOOL; TO AMEND SECTION 59-49-100, RELATING TO THE PURPOSE OF THE SCHOOL, SO AS TO PROVIDE ADDITIONAL ADMISSIONS CRITERIA; TO AMEND SECTION 59-49-110, RELATING TO THE CONDUCT OF FORESTRY AND FARM PRACTICES BY THE SCHOOL AND USE OF REVENUE DERIVED FROM THESE PRACTICES, SO AS TO PROVIDE THE SCHOOL SHALL SERVE AS A DEMONSTRATION FARM AND PROVIDE INSTRUCTION AND SUPPORT TO FARMERS AND PERSONS WORKING IN, OR WHO HAVE AN INTEREST IN, THE BUSINESS OF AGRICULTURE; TO AMEND SECTION 59-49-130, RELATING TO OBSOLETE PROVISIONS CONCERNING THE USE OF INCOME DERIVED FROM CERTAIN ENDEAVORS, SO AS TO PROVIDE FOR THE USE OF INCOME DERIVED FROM CERTAIN CURRENT ENDEAVORS OF THE SCHOOL; AND TO AMEND SECTION 59-49-150, RELATING TO EXPENSES OF STUDENTS, SO AS TO PROVIDE STUDENTS WHO ARE LEGAL RESIDENTS OF THIS STATE ARE NOT REQUIRED TO PAY TUITION BUT SHALL PAY CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES UNLESS THEY MEET CERTAIN POVERTY REQUIREMENTS, AND TO PROVIDE ALL OUT-OF-STATE AND FOREIGN EXCHANGE STUDENTS WHO ATTEND THE SCHOOL SHALL PAY TUITION AND CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES.

Senator BENNETT objected to consideration of the Bill.

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H. 4246 -- Reps. Sandifer and Thayer: A BILL TO AMEND ACT 60 OF 2017, RELATING TO CRIMINAL BACKGROUND CHECKS BY THE REAL ESTATE COMMISSION, SO AS TO CHANGE THE TIME EFFECTIVE DATE TO JULY 1, 2020.

Senator BENNETT objected to consideration of the Bill.

S. 866 -- Senator Campsen: A BILL TO AMEND SECTION 5-15-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION 5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

Senator BENNETT objected to consideration of the Bill.

S. 1026 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

Senator DAVIS objected to consideration of the Bill.

S. 882 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT" BY ADDING CHAPTER 101 TO TITLE 38 SO AS TO ADVANCE

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DIFFERENT FLOOD INSURANCE COVERAGES FOR THE BENEFIT OF CONSUMERS AND INSURERS.

Senator DAVIS objected to consideration of the Bill.

S. 868 -- Senators Campsen, Campbell and Senn: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

Senator DAVIS objected to consideration of the Bill.

H. 4811 -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest, Hixon and Ligon: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

Senator DAVIS objected to consideration of the Bill.

S. 9 -- Senators Peeler, Johnson, Rice, Gregory, Turner, Bennett, Climer, Grooms and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN IT IS LAWFUL TO DRIVE A VEHICLE IN THE LEFT LANE OF AN INTERSTATE HIGHWAY, AND TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A TRAFFIC TICKET MAY BE ISSUED FOR THE VIOLATION OF THIS PROVISION.

Senator DAVIS objected to consideration of the Bill.

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

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**ASSESSING THE PERSONAL PROPERTY OF BUSINESSES
UNDER THE JURISDICTION OF THE COUNTY AUDITOR.**

Senator GREGORY objected to consideration of the Bill.

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.

Senator GREGORY objected to consideration of the Bill.

H. 3695 -- Reps. Calhoon, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten, Hill and Jones: A BILL TO AMEND SECTION 56-3-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO PROVIDE THAT FOR THE SOLE PURPOSE OF DETERMINING HIGH MILEAGE TAX DEDUCTIONS, MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES SHALL BE CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES.

Senator GREGORY objected to consideration of the Bill.

S. 865 -- Senators Jackson, Hutto and Shealy: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

Senator GREGORY objected to consideration of the Bill.

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S. 892 -- Senators Shealy, Hutto, Jackson and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT" BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

Senator HEMBREE objected to consideration of the Bill.

S. 1017 -- Senators Shealy and Alexander: A BILL TO AMEND SECTION 43-26-90 OF THE 1976 CODE, RELATING TO BUILDINGS NOT SUBJECT TO CERTAIN PROVISIONS CONCERNING THE OPERATION OF VENDING FACILITIES BY BLIND PERSONS, TO INCLUDE LOCAL DETENTION FACILITIES.

Senator HEMBREE objected to consideration of the Bill.

S. 1027 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10 OF THE 1976 CODE, RELATING TO THE COMMISSION FOR THE BLIND, TO PROVIDE THAT MEETINGS SHALL BE HELD AT LEAST ONCE A QUARTER.

Senator HEMBREE objected to consideration of the Bill.

H. 4439 -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS "ATOMIC VETERANS DAY" IN SOUTH CAROLINA.

Senator MARTIN objected to consideration of the Bill.

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S. 758 -- Senator Gregory: A BILL TO AMEND SECTION 40-6-240(B) OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR LICENSED AUCTIONEERS, TO PROVIDE THAT A LICENSEE WHO IS SIXTY-FIVE YEARS OLD OR OLDER WITH TWENTY-FIVE YEARS OF LICENSURE MAY APPLY FOR A CONTINUING EDUCATION WAIVER.

Senator MARTIN objected to consideration of the Bill.

H. 4702 -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

Senator MARTIN objected to consideration of the Bill.

H. 3967 -- Reps. Mace, Trantham, Kimmons, Crawford, Henderson-Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb-Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Matthews, G.R. Smith, Garvin, Rose, B. Cox, Caskey, Moore and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-35 SO AS TO PROVIDE METHODS OF RESTRAINING INMATES WITH A CLINICAL DIAGNOSIS OF PREGNANCY OR IN POSTPARTUM RECUPERATION.

Senator MARTIN objected to consideration of the Bill.

S. 954 -- Senators Scott and Setzler: A BILL TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY

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AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

Senator MARTIN objected to consideration of the Bill.

H. 4743 -- Reps. Fry and Hewitt: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

Senator PEELER objected to consideration of the Bill.

H. 4384 -- Reps. Herbkersman and W. Newton: A BILL TO AMEND SECTION 7-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD TWO PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator PEELER objected to consideration of the Bill.

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

Senator PEELER objected to consideration of the Bill.

S. 461 -- Senators Sheheen, Gambrell, Alexander and Cash: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW

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ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

Senator PEELER objected to consideration of the Bill.

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

Senator SHEALY objected to consideration of the Bill.

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.

Senator SHEALY objected to consideration of the Bill.

H. 3029 -- Reps. Fry, B. Newton, Crawford and Clemmons: A BILL TO AMEND SECTION 7-17-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS

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7-17-530, 7-17-540, AND 7-17-550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

Senator SHEALY objected to consideration of the Bill.

S. 881 -- Senator Cromer: A BILL TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

Senator SHEALY objected to consideration of the Bill.

S. 980 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

Senator SHEALY objected to consideration of the Bill.

S. 1069 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO CONTRACTOR PERFORMANCE EVALUATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4916, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator TALLEY objected to consideration of the Resolution.

S. 1070 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO DISQUALIFICATION AND SUSPENSION FROM PARTICIPATION IN CONTRACTS WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4917,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator TALLEY objected to consideration of the Resolution.

S. 46 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

Senator TALLEY objected to consideration of the Resolution.

S. 511 -- Senators Gregory, Bennett, Shealy, Turner, Cromer, Reese and Fanning: A BILL TO AMEND SECTION 20-3-120 OF THE 1976 CODE, RELATING TO ALIMONY AND SUIVIT MONEY, TO PROVIDE FOR SEPARATE MAINTENANCE AND SUPPORT; TO AMEND SECTION 20-3-130 OF THE 1976 CODE, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, TO PROVIDE FOR NEW FORMS OF ALIMONY; TO AMEND SECTION 20-3-150 OF THE 1976 CODE, RELATING TO THE SEGREGATION OF ALLOWANCES BETWEEN A SPOUSE AND CHILDREN AND THE EFFECT OF THE REMARRIAGE OF A SPOUSE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 20-3-160 OF THE 1976 CODE, RELATING TO THE CARE, CUSTODY, AND MAINTENANCE OF CHILDREN, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 20-3-170 OF THE 1976 CODE, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY AND RETIREMENT BY A SUPPORTING SPOUSE, TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING THE EXISTENCE OF CHANGED CIRCUMSTANCES, TO PROVIDE THAT RETIREMENT BY A SUPPORTING SPOUSE IS SUFFICIENT GROUNDS TO WARRANT A HEARING, AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING WHETHER ALIMONY OR SEPARATE MAINTENANCE AND SUPPORT SHOULD BE

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MODIFIED, SUSPENDED, OR TERMINATED IN AMOUNT OR TERM; AND TO DEFINE NECESSARY TERMS.

Senator TALLEY objected to consideration of the Bill.

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.

Senator TURNER objected to consideration of the Bill.

S. 1002 -- Senators Rankin, Malloy, Young, McElveen, Kimpson, M.B. Matthews, Senn, Harpootlian, Sabb, Campsen, Hutto, Setzler, Hembree, Talley, Davis and Goldfinch: A BILL TO AMEND SECTION 14-7-1050, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; TO AMEND SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND TO AMEND SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

Senator TURNER objected to consideration of the Bill.

H. 3309 -- Reps. Cobb-Hunter, Thigpen, Henderson-Myers, Collins, Rose, Dillard, Caskey, Bannister, Norrell and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION

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SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM.

Senator TURNER objected to consideration of the Bill.

S. 1131 -- Senator Turner: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 16 AND THURSDAY, NOVEMBER 19 AND FRIDAY, NOVEMBER 20, 2020. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Senator TURNER objected to consideration of the Resolution.

S. 1118 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 12, 2020.

Senator VERDIN objected to consideration of the Resolution.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 11:19 A.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

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO

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AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

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 MASSEY, the Bill was carried over.

CARRIED OVER

S. 580 -- Senator Gambrell: A BILL TO AMEND CHAPTER 29, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE

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SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

On motion of Senator MASSEY, the Bill was carried over.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE THIRD TIME, SENT TO THE HOUSE

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT", TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Amendment No. 335

Senators MASSEY and SHEHEEN proposed the following amendment (419R104.SP.ASM), which was adopted:

Amend the bill, as and if amended, PART IV, Scholarships and Tuition Assistance, page 45, by striking lines 21-42, and page 46, by striking line 1 and inserting:

/ "Section 59-150-365. (A)(1) A student is eligible to receive an additional South Carolina Workforce Industry Needs Scholarship

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(SCWINS) if the student is attending a two-year public technical college and:

(a) is majoring in a critical workforce area program as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and is receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current school year; or

(b) meets the income eligibility guidelines for free and reduced-priced meals as established by the United States Department of Agriculture (USDA), and is receiving an LTAP scholarship for the current year regardless of the student's major.

(2) Subject to the funds appropriated, the SCWINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three years of instruction, including the student's freshman year, if the student is enrolled in an associate degree program, or no more than two years of instruction, including the student's freshman year, if enrolled in a diploma or certificate program.

(3) During a student's freshman year, the student must be /

Amend the bill further, as and if amended, page 46, by striking lines 16-19 and inserting:

/ (4)(a) For students participating in the scholarship program pursuant to item (1)(b), as a condition of participation in the scholarship program, a student must:

(i) receive career counseling from the institution in which he will enroll for the purpose of discussing the student's interests, career goals, regional and statewide career opportunities, and required courses necessary to pursue employment in the student's chosen field; and

(ii) meet with a guidance counselor from the institution prior to registering for classes each semester to review and receive guidance on the student's progress, career goals, and the class selection recommended to meet these goals.

(b) The institution shall verify participation required pursuant to this subsection to the SBTCE prior to any award. /

Amend the bill further, as and if amended, page 47, lines 16-18, by striking and inserting the following:

/(J) The SBTCE shall develop, through a nonprofit organization, a privately funded intense mentoring and career guidance program for students qualifying for the scholarship program under subsection (A)(1)(b). The program must, to the best of its ability, match an

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individual student's selection of major with an appropriate mentor. In order to receive an SCWINS scholarship, the student must participate in the mentoring program. The role of the mentor is to eliminate barriers associated with college access by serving as an encourager and a knowledgeable advisor about the chosen career field. The SBTCE shall annually report to the General Assembly all relevant data concerning the mentoring program, including, but not limited to, the number of mentors recruited and students participating in the program.

(K) The SBTCE shall maintain data about student utilization of the scholarship, including, but not limited to, the number of students who continue to use the scholarship after the first semester, who continue to use the scholarship after the first year, who complete their course of study while utilizing the scholarship, and, to the extent possible, the number of students who are employed following their degree program. The SBTCE shall annually provide this information to the General Assembly."

B. This SECTION takes effect on July 1, 2020, and first applies to the 2020-2021 school year. Section 59-150-365(A)(1)(b) and any references to students who are eligible under this provision are repealed on December 31, 2026, unless reauthorized by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Amendment No. 336

Senator SENN proposed the following amendment (419R107.SP.SS), which was adopted:

Amend the bill, as and if amended, page 59, SECTION 42, by striking lines 18-24 and inserting:

/ day. In addition to elementary schools, a principal shall provide to any teacher who is responsible for instructing a student who is removed from the general education setting for more than forty percent of the day at least thirty minutes of unencumbered time on each regular school day to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan

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~~shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984-85 school year.~~ /

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Senator MARTIN spoke on the Bill.

Remarks by Senator MARTIN

Here we are, on Third Reading of S. 419. I stood here in January and I personally went through the Committee Report -- which is pretty much the Bill now -- section by section and talked about all of the negatives. This Senate has gone through the Bill section by section for weeks trying to make changes. Unfortunately, nearly everyone in this Body believes that those sections are pretty much good as written. Nothing I say today will change any minds. But, I would like you to consider a couple of things that I think are fairly obvious and inarguable.

First, I know it is true in Spartanburg and Union Counties, and I believe it is true in every county, that no one who actually works in a classroom or a school thinks that this Bill will improve their schools or classrooms. Not the first person in areas I represent, not any of the parents and not any of the local board members has said to me, "Wow, this will do wonders for teachers and students." No one has said, "Well, on the whole, things will improve because of what is in this Bill." I have not had a soul in the district I represent tell me that this Bill is a good idea -- not a soul. And I have asked.

I am not going to rehash whether anyone listened to teachers or did not -- had hearings or did not. I am only going to say that I do not know one teacher from Spartanburg, Union, Greenville or any other county in South Carolina that thinks this will help them or the children they teach.

Second, this is a Columbia Bill, and by Columbia I mean General Assembly of South Carolina. This Bill was written in Columbia, it was debated in Columbia, it will be monitored by Columbia and it will be funded, or much more likely not funded, by Columbia. But, as always, the penalties for failing to live up to the Bill will not be paid by Columbia, because Columbia never pays the penalty. The penalties will

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be paid by the districts, and the schools, and the teachers -- and ultimately -- the children who cannot live up to the fantasies and dictates of Columbia. It happens every time, and it will happen this time.

Third, I have heard it said in this Chamber, more than once, "There is no education in the second kick of the mule." The majority of this Body, though, apparently does not believe that. Because this is about to be the 37th kick of the mule. Every time the General Assembly passes something called "education reform", it never works. That is not true just of the folks in this room or even the folks in this century. It never works. The penny tax and EFA did not work. The Education Accountability Act and the EOC did not work.

KRA has not worked, Read to Succeed has not worked and the Education and Economic Development Act has not worked, but in this Bill, we are asking for more kicks from the same ole mule. Now, the reasons that these things do not work are those I mentioned before about passing things created in Columbia, not paying for them, and then punishing the districts. We are doing that in this Bill, often for the second, third, or fourth time, and I do not expect the results to differ. This Senate will be here again in three or four years with another reform Bill telling folks that this time, this time Columbia will make it work. It will not.

Now, in a couple of years, if South Carolina has rocketed to the top of national scores and rankings, and there is a line around the block to apply for classroom teaching positions, and all our children are above average, then I will get up here and say with 100% sincerity and humility that I was wrong and that Columbia finally fixed a problem. We will see. But, in the meantime, the only thing I can ask is, now that this Bill has heaped yet another load of mandates on the schools and teachers, that we at least do the decent and honorable thing and pay for it. We have never done that, either, but as our PRESIDENT often says, "While I breathe, I hope."

On motion of Senator FANNING, with unanimous consent, the remarks of Senator MARTIN, were ordered printed in the Journal.

The question then was third reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 4

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Davis	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Fanning	Kimpson	Martin
McLeod		

Total--4

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House of Representatives with amendments.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 12:22 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 6, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 389 Sen. Martin

S. 997 Sen. Shealy

ADJOURNMENT

At 11:06 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned to meet next Tuesday, March 10, 2020, at 2:00 P.M.

* * *

Tuesday, March 10, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Joshua 1:9

“Be strong and courageous; do not be frightened or dismayed, for the Lord your God is with you wherever you go.”

Let us pray. Gracious and loving God, each day presents us with new challenges and blessings. Even though most of us are not Irish, on this St Patrick’s Day, we remember the words he spoke as he began his day, “I arise today, through God’s might to uphold me, God’s wisdom to guide me, God’s eye to look before me, God’s ear to hear me, God’s hand to guard me, God’s way to lie before me, and God’s shield to protect me.” May this be our prayer each morning as we acknowledge that our wisdom and our strength is insufficient for the day. Through Your grace and Your power we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 2:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Motion Adopted

On motion of Senator SETZLER, the Senate agreed to stand at ease.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

TUESDAY, MARCH 10, 2020

Statewide Appointments

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2018, and to expire June 30, 2022

6th Congressional District:

Eddie L. Miller, Jr., 2110 Avenue A, Mayesville, SC 29104-8917

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2018, and to expire June 30, 2022

7th Congressional District:

Stephanie M. Rawlinson, 1825 Brigadoone Lane, Florence, SC 29505-3236 *VICE VACANT*

Referred to the Committee on Medical Affairs.

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

Referred to the Committee on Education.

REGULATION WITHDRAWN

The following was received:

Document No. 4900

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 43-1-80

SUBJECT: Licensure for Foster Care

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn March 6, 2020

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REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4914

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

SUBJECT: General Regulation; and Additional Regulations Applicable to Specific Properties

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Fish, Game and Forestry

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted March 10, 2020

Document No. 4915

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

SUBJECT: Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Fish, Game and Forestry

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted March 10, 2020

Leave of Absence

At 2:54 P.M., Senator NICHOLSON requested a leave of absence for Senator GAMBRELL for the day.

Leave of Absence

At 2:56 P.M., Senator HUTTO requested a leave of absence for Senator SHEHEEN for the balance of the day.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

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Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks by Senator SABB

Thank you, Mr. PRESIDENT and members. I will not be before you long. I just wanted to express my appreciation for what went on with the Education Bill. I know that some of us are happy about it and others perhaps not so happy, but I delighted in a portion of the Bill. Senator MASSEY and I have debated the South Carolina Promise Bill for some time. Senator MASSEY mentioned something over the weekend -- I just said, "I need to talk about it just a little bit." He mentioned that when I talked about the South Carolina Promise Bill, I talked about hope and the importance of the promise and how it ties in and he was kind enough to talk about it -- I believe with some passion. I really wanted Senator MASSEY to know and some others to know why I feel so strongly about it and why I am absolutely completely and totally satisfied that it does exactly what Senator MASSEY describes, it gives hope.

I came to the Senate back in 2014 and am privileged to come to this well and am privileged to introduce myself to this Body. One of the things I proudly said was, "The story of my life has been that I came from the outhouse to the State House," so that is in essence, how I grew up. The point I wanted to make on this day is how I perceived promise. It is true that a lot of the promise mirrors not in totality, Senator and I appreciate what you did. I believe it adds some accountability to the promised legislation and I think that it hopefully will provide us with more data that I'm satisfied would encourage us to go a bit beyond where we currently are.

Tennessee has gone a step further than South Carolina. Tennessee says that access to technical education should be free for anybody from Tennessee. I am satisfied that is the direction that South Carolina should go, and my life experience suggests to me that I am on the right track. Let me get personal just for a moment. I am the proud son of a domestic worker and when I grew up, that is how my mom supported her children as a single parent. There came along a program called CEDA. The CEDA program was a job-training program not for 15, 16, 17, 18 and 19 year olds but it was for adults. What that program said is that there is hope in the State of South Carolina. If you find yourself as an individual who lacks skills, we will give you access to skills and all you have to do is want the training. My mom was a young adult who lacked access when it came to skills and decided that she wanted to do something to better - - to enhance the quality of life for her and her children, RONNIE SABB

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being one of those. I would like to suggest the technical colleges in the State of South Carolina, unquestionably one of the finest in the United States of America and perhaps the world. I would suggest our technical college system is the CEDA program of today. It is the place where our workforce gets the necessary training that it needs to lift itself from one skill set to a higher skill set. The same way that my mom was able to attend that CEDA program and learn to be a seamstress -- is the same way that any South Carolinian should be able to decide regardless of his or her means that I want to do better. I believe that South Carolina is a place to grow, develop and earn a living for my family based upon my commitment to training and to obtain the necessary skills to get into the workforce. My story, I don't believe, is unlike the story of many South Carolinians who grew up with little or no means and God gave opportunity through a place like the great State of South Carolina.

Let me conclude by suggesting this. There is a reason why our motto is While We Breathe, We Hope. I believe hope is woven into the fabric of South Carolina's DNA. I tell folks and I say it proudly, SENATOR HUTTO, that I grew up in a house that had a skylight before skylights became popular. There might be a couple in here who understand tin roofs and what they do. I will go a step further, these young Senators may not know what I am talking about when I say we can tell whether or not there were chickens underneath our house, because they cackled. In those days you had wooden floors and boards for whatever reason that didn't line up. I share that story to try to illustrate my point, that South Carolina should be a place where it does not matter where you grew up or what you grew up with, as long as you are willing to work hard and sacrifice. The sky ought to be the limit for how you can live.

I urge two things, Senator RANKIN, as I take my seat. My first point that I would like to make is, to urge you and other members who might be on the conference committee, to please not allow that to be removed from Legislation. I believe it is a starting point, Senator MASSEY. Next time I see your bride, I am going to suggest to her that perhaps you and I might have a future conversation here at the well and hopefully we will both be voting and talking in favor. If not, I know we will engage in dialogue in a respectful way that she would appreciate members of the Senate and the way we conduct ourselves.

That is my point one in urging and my final point is really to the conversation perhaps that Senator MASSEY and I might engage in. That is that we ought to expand it, Junior Senator HUTTO. Thank you for your work in starting this process Senator NICHOLSON and thank you

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for yielding and allowing Williamsburg Technical College to be the college we did the pilot program on.

I really believe with every fiber of my being that when it is all said and done and you look at the legacy of the Senate itself; and if we afford every South Carolinian the opportunity to go to a technical college and receive job training that will be a legacy that the Senate in the State of South Carolina can be absolutely proud of.

My final point, Mr. PRESIDENT. Thank you for allowing me to go on and hopefully I have not been too long. My final point is that I am convinced that those in our State and other states that say people just want a handout -- I believe they are wrong. What I believe people want is a hand up, which is an opportunity. Therefore, members, please consider as we go forward enlarging this promise beyond our children and afford it to adults as well. Thank you, Mr. PRESIDENT.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator SABB, were ordered printed in the Journal.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 32	Sen. Turner
S. 461	Sen. Senn
S. 997	Sen. Hutto
S. 1018	Sen. Fanning
S. 1084	Sen. Senn
S. 1093	Sen. Martin
S. 1137	Sen. Turner

CO-SPONSORS REMOVED

The following co-sponsors were removed from the respective Bills:

S. 389	Sen. Davis
S. 1077	Sen. Martin

RECALLED

H. 5344 -- Reps. Simrill, Cobb-Hunter and Finlay: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 6 THROUGH 10, 2020, AS "INDEPENDENT COLLEGES AND

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UNIVERSITIES WEEK” AND APRIL 8, 2020 AS “INDEPENDENT COLLEGES AND UNIVERSITIES DAY.”

Senator HEMBREE asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Education.

The Concurrent Resolution was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 977 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUMES 11A AND 20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2020.

Senator YOUNG 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1152 -- Senators Leatherman, Setzler and Alexander: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2019 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

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Read the first time and referred to the Committee on Finance.

S. 1153 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MT. CALVARY BAPTIST CHURCH FOR ITS ONGOING MINISTRY IN THE COLUMBIA AND CHILDS COMMUNITIES AND TO CONGRATULATE THE PASTOR AND

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CONGREGATION AS THEY CELEBRATE THEIR ONE HUNDRED FIFTY-FIRST ANNIVERSARY.

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The Senate Resolution was adopted.

S. 1154 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BENEDICT COLLEGE FOR THE TRANSFORMATIVE IMPACT THE INSTITUTION HAS MADE ON THE LIVES OF LEGIONS OF STUDENTS AND ALUMNI, THE COMMUNITY, THE STATE OF SOUTH CAROLINA, THE NATION, AND AROUND THE WORLD FOR A CENTURY AND A HALF AND TO CONGRATULATE STUDENTS, ALUMNI, FACULTY AND ADMINISTRATION AS THEY CELEBRATE THEIR SESQUICENTENNIAL ANNIVERSARY.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1155 -- Senator Campbell: A BILL TO AMEND SECTION 31-6-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX INCREMENT FINANCING PROJECTS, SO AS TO INCLUDE PRIVATELY OWNED AFFORDABLE HOUSING PROJECTS WITHIN THE DEFINITION OF REDEVELOPMENT PROJECT.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1156 -- Senator Campbell: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO THE STATE LIVESTOCK-POULTRY HEALTH COMMISSION, BY ADDING SECTION 47-4-65, TO PROVIDE THAT A LIVE MEMBER OF THE FAMILY SUIDAE (PIG) TRANSPORTED ON A PUBLIC ROAD OR WATERWAY IN THIS STATE MUST BE ACCOMPANIED BY AN OFFICIAL FORM OF IDENTIFICATION THAT IS APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO MISUSE OR ALTER A PERMIT, TAG, OR OFFICIAL FORM OF IDENTIFICATION; TO AMEND SECTION 50-16-25 OF THE 1976 CODE, RELATING TO THE UNLAWFUL RELEASE OF PIGS AND PERMIT EXCEPTIONS, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, OR TRANSPORT A PIG TAKEN FROM THE WILD UNLESS CERTAIN

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REQUIREMENTS ARE MET, AND TO PROVIDE THAT IT IS UNLAWFUL TO RELEASE A PIG INTO THE WILD; AND TO REPEAL SECTION 50-9-655 OF THE 1976 CODE, RELATING TO A PIG TRANSPORT AND RELEASE PERMIT AND A PIG ENCLOSURE PERMIT.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 1157 -- Senator Loftis: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT ITEMS SOLD TO SCHOOL DISTRICTS, SCHOOLS, AND INSTITUTIONS OF HIGHER LEARNING FOR THE PURPOSE OF IMPROVING SCHOOL SAFETY.

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Read the first time and referred to the Committee on Finance.

S. 1158 -- Senator Davis: A SENATE RESOLUTION TO ACKNOWLEDGE THE IMPORTANCE OF EMERGING BLOCKCHAIN TECHNOLOGY AND TO CALL UPON THE RESIDENTS OF SOUTH CAROLINA TO JOIN IN ENCOURAGING THE PROMOTION OF BLOCKCHAIN TECHNOLOGY IN OUR STATE.

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The Senate Resolution was adopted.

S. 1159 -- Senator Bennett: A SENATE RESOLUTION TO HONOR CINDY POHAR OF SUMMERVILLE FOR HER YEARS OF DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO THE SOUTH CAROLINA GEODETIC SURVEY AND THE PROFESSIONAL LAND SURVEYORS OF THIS STATE, TO CONGRATULATE HER ON HER RECENT RETIREMENT, AND TO WISH HER MUCH CONTINUED SUCCESS AND FULFILLMENT IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

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S. 1160 -- Senators Harpootlian and Climer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-1-100 SO AS TO PROVIDE THAT THE DEPARTMENT OF COMMERCE SHALL KEEP A RECORD OF ALL ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS AND SHALL REPORT ON ALL CLAWBACKS THAT HAVE BEEN TRIGGERED.

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Read the first time and referred to the Committee on Finance.

S. 1161 -- Senators Jackson, Setzler, Kimpson, Allen, Fanning, Harpootlian, Hutto, Johnson, Malloy, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Reese, Sabb, Scott, Sheheen and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE PLANS, HEALTH MAINTENANCE ORGANIZATIONS, AND THE STATE HEALTH PLAN TO WAIVE COST-SHARING REQUIREMENTS ASSOCIATED WITH TESTING FOR COVID-19 AND TO DEFINE APPLICABLE TERMS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1162 -- Senators J. Matthews and Hutto: A SENATE RESOLUTION TO RECOGNIZE OLIVER "BUDDY" POUGH, HEAD FOOTBALL COACH OF SOUTH CAROLINA STATE UNIVERSITY, FOR HIS OUTSTANDING COACHING CAREER AND TO CONGRATULATE HIM FOR SETTING THE SCHOOL'S RECORD FOR COACHING WINS.

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The Senate Resolution was adopted.

H. 4454 -- Reps. Long, Chumley, Burns, Allison, Felder, Morgan, Taylor, Jefferson, Brown, Tallon, Yow, Ridgeway, Martin and B. Newton: A BILL TO AMEND SECTION 56-5-1538, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY SCENE MANAGEMENT, SO AS TO DELETE PROVISIONS THAT REGULATE THE CONDUCT OF A DRIVER OF A VEHICLE APPROACHING AN EMERGENCY SCENE OR EMERGENCY VEHICLE, THE PENALTIES FOR VIOLATING THIS SECTION,

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AND CERTAIN TERMS AND THEIR DEFINITIONS; BY ADDING SECTION 56-5-1539 SO AS TO PROVIDE DEFINITIONS FOR CERTAIN TERMS, REGULATE THE CONDUCT OF A DRIVER OF A VEHICLE APPROACHING A TRAFFIC INCIDENT SCENE, AND PROVIDE PENALTIES; TO AMEND SECTION 56-5-1535, RELATING TO THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER AND PENALTIES FOR A VIOLATION OF THIS OFFENSE, SO AS TO REVISE THE DEFINITION OF THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER"; AND BY ADDING SECTION 56-5-1537 SO AS TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MUST PROVIDE TRAFFIC INCIDENT MANAGEMENT TRAINING TO A DRIVER OF A WRECKER OR TOWING SERVICE VEHICLE FREE OF CHARGE.

Read the first time and referred to the Committee on Transportation.

H. 4460 -- Rep. Johnson: A HOUSE RESOLUTION TO CONGRATULATE FRANCIS DELEON FLOYD OF HORRY COUNTY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM MUCH HAPPINESS IN THE DAYS AHEAD.

The Senate Resolution was introduced and referred to the Committee on Finance.

H. 4710 -- Reps. Bernstein, Finlay, Clary, Collins, Wooten, G. R. Smith, Clyburn, Hosey and Rose: A BILL TO AMEND SECTIONS 16-17-500 AND 16-17-501, AS AMENDED, AND SECTIONS 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006", SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-95-20, AS AMENDED, RELATING TO CERTAIN PUBLIC INDOOR AREAS WHERE SMOKING IS PROHIBITED IN SOUTH CAROLINA, SO AS TO APPLY ALSO TO THE USE OF VAPOR PRODUCTS; AND TO AMEND SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL COMPREHENSIVE TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE TECHNICAL CORRECTIONS.

Read the first time and referred to the Committee on Judiciary.

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H. 4937 -- Reps. Fry, Rose, Hewitt, Kirby, Clary, W. Newton, Erickson, Clemmons and B. Newton: A BILL TO AMEND SECTION 33-57-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONS TO THE PROHIBITION ON LOTTERIES AND RAFFLES, SO AS TO CLARIFY THAT ELECTRONIC GAMING DEVICES ARE PROHIBITED; TO AMEND SECTION 33-57-110, RELATING TO DEFINITIONS, SO AS TO EXPAND THE DEFINITION OF A "NONPROFIT ORGANIZATION" TO INCLUDE AN ORGANIZATION RECOGNIZED AS TAX-EXEMPT UNDER INTERNAL REVENUE CODE SECTION 501(c)(5) AND TO DEFINE THE TERM "ELECTRONIC GAMING DEVICE"; TO AMEND SECTION 33-57-120, AS AMENDED, 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; TO AMEND SECTION 33-57-150, RELATING TO ALLOWABLE EXPENSES AND RECORDS FOR A RAFFLE, SO AS TO PROVIDE WHAT MUST BE CONTAINED IN THE REPORT TO THE SECRETARY, TO ALLOW FOR THE SUBMISSION OF ONE REPORT FOR A NONPROFIT ORGANIZATION WITH AFFILIATES OR SUBSIDIARIES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH CERTAIN RECORD KEEPING REQUIREMENTS; AND TO REPEAL SECTION 33-57-200 RELATING TO THE REPEAL OF CHAPTER 57, TITLE 33.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

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

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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.

Read the first time and referred to the Committee on Judiciary.

H. 5305 -- Reps. Norrell, B. Newton, Yow and Lucas: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE THE NAMES OF SEVEN 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.

Read the first time and referred to the Committee on Judiciary.

H. 5361 -- Reps. Garvin, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, 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 CONGRATULATE LECIE SHELL WORTHY OF COLUMBIA ON THE OCCASION OF HER ONE HUNDRED AND THIRD BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY

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CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 1068 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Operations and Management polled out S. 1146 favorable:

S. 1146 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, APRIL 29, 2020, AS THE AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE TERMS THAT EXPIRE JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6,

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WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE

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BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT, 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; AND THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Peeler	Leatherman	Setzler
Reese	Rankin	Malloy
Massey	Shealy	Turner

Total--9

NAYS

Total--0

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Ordered for consideration tomorrow.

Adopted

Senator ALEXANDER asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

On motion of Senator ALEXANDER the Concurrent Resolution was adopted and ordered sent to the House.

REPORT FROM THE FINANCE COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted the following report:

Report of the Senate Finance Committee Pursuant to Section 9 (B) of Act 95 of 2019 (R113, H4287) Act 95 of 2019 is a joint resolution establishing a process for the consideration of a sale, a management agreement and reform of the South Carolina Public Service Authority, commonly referred to as Santee Cooper. Section 9 (B) of that resolution states the following:

The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee the documents described in (A). The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review each recommendation presented by the department. Each committee shall make a recommendation within thirty days of receipt of the recommendations presented by the department. However, nothing in this joint resolution shall be construed as a waiver of any House or Senate Rules. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House shall convene their respective bodies to consider any legislation to effectuate the sale or management proposal or to implement reform, restructuring, and changes in operation at Santee Cooper. Such legislation shall be in the form of a resolution approving the contract for sale or management or a bill to implement reform at Santee Cooper.

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As prescribed in the Act 95 process, the Senate Finance Committee received the report from the Department of Administration on February 11, 2020.

REVIEW OF DEPARTMENT OF ADMINISTRATION'S RECOMMENDATIONS

As directed in Act 95, the Senate Finance Committee reviewed each recommendation presented by the Department. The following meetings were held to receive information and testimony:

Thursday, February 13, 2010 - Joint meeting with the House Ways and Means Committee to receive a presentation by the Department of Administration and Experts retained by the Department. The following professional staff presented a summary of findings to the Committees:

Department of Administration - Marcia Adams (Director), Paul Koch (Chief of Staff), David Avant (Legal Counsel).

Gibson, Dunn & Crutcher LLP - Legal Advisor - Gerald "Jerry" Farano, Melissa Persons

Moelis & Company - Lead Financial Advisor - John Colella and Nathan Barnes

Energy and Environmental Economics, Inc. (E3) - Market Advisor - Nathan "Nate" Miller

Tuesday, February 18, 2020 - Committee meeting to receive detailed testimony from the same professional experts who presented the Department of Administration Report at the February 13 meeting.

Wednesday, February 19, 2020 - Committee meeting to receive testimony from Mr. James L. Robo, Chairman and Chief Executive Officer of NextEra Energy, Inc., the private company recommended by the Department of Administration as the prospective purchaser of Santee Cooper.

Thursday, February 20, 2020 - Committee meeting to receive testimony from Mr. P. Rodney Blevins, President of Dominion Energy South Carolina and Mr. Kellar Kissam, President of Electric Operations at Dominion Energy South Carolina, the private company recommended by the Department of Administration as the prospective private company to provide management services to Santee Cooper.

Tuesday, February 25, 2020 - Committee meeting to receive testimony from the following officials of Santee Cooper who explained their proposal for reform of the organization:

Mr. Mark Bonsall, President and Chief Executive Officer of Santee Cooper

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Mr. Charlie Duckworth, Deputy CEO and Chief of Planning of Santee Cooper

Ms. Pamela Williams, Deputy Vice President and Chief Financial Officer of Santee Cooper

Mr. Mike Baxley, Chief Legal Counsel of Santee Cooper

Mr. Dan Ray, Acting Chairman, Santee Cooper Board of Directors

Wednesday, February 26, 2020 - Committee meeting to receive testimony from Mr. Mark Bonsall, President and Chief Executive Officer of Santee Cooper and Mr. Duckworth, Ms. Williams, Mr. Baxley and Mr. Ray related to their proposal for reform of the organization.

Tuesday, March 3, 2020 - Committee meeting to receive testimony from Mr. Mark Bonsall, President and Chief Executive Officer of Santee Cooper and Mr. Duckworth, Ms. Williams, Mr. Baxley, and Mr. Ray related to their proposal for reform of the organization.

Thursday, March 5, 2020 - Committee meeting to receive testimony from Mr. Mike Couick, Chief Executive officer of the Electric Cooperatives of South Carolina, Mr. Rob Hochseteler, President and Chief Executive Officer of Central Electric Cooperative and Mr. John Tiencken, General Counsel of Central Electric Cooperative.

FINANCE COMMITTEE RECOMMENDATION

Upon completion of testimony on March 5, 2020, a motion was adopted by a vote of 17 - 0 to recommend to the Senate that all three options presented to the Finance Committee by the Department of Administration be rejected.

Message from the House

Columbia, S.C., March 10, 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. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

Very respectfully,
Speaker of the House

Received as information.

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HOUSE CONCURRENCES

S. 1145 -- Senator Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE JOE CARTER UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

S. 1151 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO CONGRATULATE BRIGADIER GENERAL RALPH DOUGLAS "DOUG" GARDNER, RETIRED, ON THE OCCASION OF HIS EIGHTIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILL

S. 994 -- Senators Malloy and McElveen: A BILL TO PROVIDE THAT EACH MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL BE ALLOWED AND PAID ONE HUNDRED DOLLARS FROM LEE COUNTY "C" FUND REVENUES FOR EACH MEETING AT WHICH HE IS IN ATTENDANCE, TO PROVIDE THAT THE MEMBERS OF THE LEE COUNTY TRANSPORTATION COMMITTEE SHALL RECEIVE PAYMENTS UPON THE ISSUANCE OF APPROVED VOUCHERS BY THE COMMITTEE 'S CHAIRMAN, EXCEPT THAT THE CHAIRMAN MAY NOT APPROVE VOUCHERS FOR MORE THAN FIFTEEN MEETINGS PER FISCAL YEAR FOR EACH MEMBER OF THE COMMITTEE, AND TO PROVIDE THAT THE CHAIRMAN OF THE LEE COUNTY LEGISLATIVE DELEGATION SHALL BE AN EX-OFFICIO, NONVOTING MEMBER OF THE LEE COUNTY TRANSPORTATION COMMITTEE.

On motion of Senator MALLOY.

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HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3998 -- Reps. Bannister, Bernstein, Crawford, Pendarvis, Garvin, Herbkersman, Hosey, Alexander, Bales, Stavrinakis, Cogswell, Whitmire, Norrell, Cobb-Hunter, Dillard, Elliott, Moore, Mack, Rutherford, Govan, Bennett, Clemmons, Funderburk, Hayes, McDaniel, Ridgeway, G.M. Smith, G.R. Smith, Sottile, Weeks, Wheeler, S. Williams, Davis, Rivers, Brown, Jefferson, R. Williams, Henderson-Myers, Matthews and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT" BY ADDING SECTION 12-6-3795 SO AS TO ALLOW A TAXPAYER ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--44

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NAYS

Total--0

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

HOUSE BILL RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

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.

H. 3967 -- Reps. Mace, Trantham, Kimmons, Crawford, Henderson-Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb-Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Matthews, G.R. Smith, Garvin, Rose, B. Cox, Caskey, Moore and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-35 SO AS TO PROVIDE METHODS OF RESTRAINING INMATES WITH A CLINICAL DIAGNOSIS OF PREGNANCY OR IN POSTPARTUM RECUPERATION.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 754 -- Senators Hembree, Nicholson and Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-49-35 SO AS TO REQUIRE CERTAIN TRAINING OF THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-85 SO AS TO PROVIDE QUALIFICATIONS OF THE SCHOOL'S FACULTY; BY ADDING SECTION 59-49-112 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH THE STANDARD COURSE OF STUDY OF THE SCHOOL; BY ADDING SECTION 59-49-115 SO AS TO PROVIDE FOR THE AWARDING OF DIPLOMAS; BY ADDING SECTION 59-49-117 SO AS TO PROVIDE ADMISSIONS REQUIREMENTS OF STUDENTS; BY ADDING SECTION 59-49-135 SO AS TO PROVIDE THE BOARD SHALL ESTABLISH A FOUNDATION AND MAINTAIN AN ENDOWMENT FUND FOR THE SCHOOL; BY ADDING SECTION 59-49-160 SO AS TO PROVIDE THE BOARD MAY EMPLOY CAMPUS POLICE, TO PROVIDE QUALIFICATIONS AND OTHER REQUIREMENTS OF THESE CAMPUS POLICE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN MOTOR VEHICLE LAWS ON CAMPUS, AND TO PROVIDE THE BOARD MAY PROMULGATE CERTAIN RELATED REGULATIONS; TO AMEND SECTION 59-49-10, RELATING TO THE ESTABLISHMENT OF THE JOHN DE LA HOWE SCHOOL, SO AS TO RENAME AND REESTABLISH THE SCHOOL AS THE GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE, AND TO PROVIDE THE PURPOSE OF THE SCHOOL; TO AMEND SECTION 59-49-20, RELATING TO THE BOARD OF TRUSTEES, SO AS TO ADD CERTAIN EX OFFICIO MEMBERS; TO AMEND SECTION 59-49-30, RELATING TO REMOVAL OF BOARD MEMBERS BY THE GOVERNOR FOR CAUSE, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-40, RELATING TO MEETINGS OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-70, RELATING TO THE DECLARATION OF THE SCHOOL AS A BODY POLITIC, SO AS TO MAKE CONFORMING CHANGES CONCERNING THE RENAMING OF THE SCHOOL; TO AMEND SECTION 59-49-100, RELATING TO THE PURPOSE OF THE

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SCHOOL, SO AS TO PROVIDE ADDITIONAL ADMISSIONS CRITERIA; TO AMEND SECTION 59-49-110, RELATING TO THE CONDUCT OF FORESTRY AND FARM PRACTICES BY THE SCHOOL AND USE OF REVENUE DERIVED FROM THESE PRACTICES, SO AS TO PROVIDE THE SCHOOL SHALL SERVE AS A DEMONSTRATION FARM AND PROVIDE INSTRUCTION AND SUPPORT TO FARMERS AND PERSONS WORKING IN, OR WHO HAVE AN INTEREST IN, THE BUSINESS OF AGRICULTURE; TO AMEND SECTION 59-49-130, RELATING TO OBSOLETE PROVISIONS CONCERNING THE USE OF INCOME DERIVED FROM CERTAIN ENDEAVORS, SO AS TO PROVIDE FOR THE USE OF INCOME DERIVED FROM CERTAIN CURRENT ENDEAVORS OF THE SCHOOL; AND TO AMEND SECTION 59-49-150, RELATING TO EXPENSES OF STUDENTS, SO AS TO PROVIDE STUDENTS WHO ARE LEGAL RESIDENTS OF THIS STATE ARE NOT REQUIRED TO PAY TUITION BUT SHALL PAY CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES UNLESS THEY MEET CERTAIN POVERTY REQUIREMENTS, AND TO PROVIDE ALL OUT-OF-STATE AND FOREIGN EXCHANGE STUDENTS WHO ATTEND THE SCHOOL SHALL PAY TUITION AND CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES.

S. 909 -- Senators Gambrell and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-10-108 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH PROFESSIONAL EMPLOYER ORGANIZATIONS MAY BE ELIGIBLE FOR CERTAIN TAX CREDITS AND ECONOMIC INCENTIVES UNDER THE ENTERPRISE ZONE ACT OF 1995; BY ADDING SECTION 40-68-145 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; TO AMEND SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO REGULATE THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; TO AMEND SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT

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ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO PROVIDE ORGANIZATIONS SHALL PROVIDE ASSIGNED EMPLOYEES WITH CERTAIN WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; TO AMEND SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO PROVIDE THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; AND TO AMEND SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE.

S. 866 -- Senator Campsen: A BILL TO AMEND SECTION 5-15-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURES FOR CONTESTING THE RESULTS OF MUNICIPAL ELECTIONS, SO AS TO ALLOW THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO SERVE AS APPROPRIATE ELECTION AUTHORITIES FOR PURPOSES OF INITIATING OR HEARING MUNICIPAL ELECTION CONTESTS; AND TO AMEND SECTION 5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO UPDATE REFERENCES TO COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS.

S. 1026 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-190 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A

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PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

S. 882 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT" BY ADDING CHAPTER 101 TO TITLE 38 SO AS TO ADVANCE DIFFERENT FLOOD INSURANCE COVERAGES FOR THE BENEFIT OF CONSUMERS AND INSURERS.

S. 690 -- Senators Campsen, Senn, Davis and Campbell: A BILL TO AMEND SECTION 48-22-40 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE SOUTH CAROLINA GEOLOGICAL SURVEY UNIT OF THE DEPARTMENT OF NATURAL RESOURCES, TO AUTHORIZE THE DIVISION TO CONDUCT TOPOGRAPHIC MAPPING USING LIGHT DETECTION AND RANGING (LiDAR) DATA COLLECTIONS TO ENSURE COMPLIANCE WITH CERTAIN FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARDS, TO REQUIRE THE DIVISION TO PROVIDE THIS INFORMATION TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES FLOOD MITIGATION PROGRAM, AND TO REQUIRE THAT THE TOPOGRAPHIC MAPS BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT OF NATURAL RESOURCES' WEBSITE.

S. 868 -- Senators Campsen, Campbell and Senn: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

AMENDED, OBJECTION

S. 9 -- Senators Peeler, Johnson, Rice, Gregory, Turner, Bennett, Climer, Grooms and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION

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56-5-1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN IT IS LAWFUL TO DRIVE A VEHICLE IN THE LEFT LANE OF AN INTERSTATE HIGHWAY, AND TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A TRAFFIC TICKET MAY BE ISSUED FOR THE VIOLATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

Senator MALLOY proposed the following amendment (9R001.SP.GM), which was adopted:

Amend the bill, as and if amended, by adding an appropriately lettered subsection to read:

/() Violations of this Section are subject to a twenty five dollar penalty.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator SENN objected to further consideration of the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

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.

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S. 865 -- Senators Jackson, Hutto and Shealy: A BILL TO AMEND SECTION 63-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO REAUTHORIZE THE COMMITTEE THROUGH DECEMBER 31, 2030.

S. 892 -- Senators Shealy, Hutto, Jackson and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT" BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

S. 1017 -- Senators Shealy and Alexander: A BILL TO AMEND SECTION 43-26-90 OF THE 1976 CODE, RELATING TO BUILDINGS NOT SUBJECT TO CERTAIN PROVISIONS CONCERNING THE OPERATION OF VENDING FACILITIES BY BLIND PERSONS, TO INCLUDE LOCAL DETENTION FACILITIES.

S. 1027 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10 OF THE 1976 CODE, RELATING TO THE COMMISSION FOR THE BLIND, TO PROVIDE THAT MEETINGS SHALL BE HELD AT LEAST ONCE A QUARTER.

S. 758 -- Senator Gregory: A BILL TO AMEND SECTION 40-6-240(B) OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR LICENSED AUCTIONEERS, TO PROVIDE THAT A LICENSEE WHO IS SIXTY-FIVE YEARS OLD OR OLDER WITH TWENTY-FIVE YEARS OF LICENSURE MAY APPLY FOR A CONTINUING EDUCATION WAIVER.

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**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 954 -- Senators Scott and Setzler: A BILL TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 44; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House of Representatives.

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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. 4246 -- Reps. Sandifer and Thayer: A BILL TO AMEND ACT 60 OF 2017, RELATING TO CRIMINAL BACKGROUND CHECKS BY THE REAL ESTATE COMMISSION, SO AS TO CHANGE THE TIME EFFECTIVE DATE TO JULY 1, 2020.

H. 4811 -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest, Hixon and Ligon: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

H. 3695 -- Reps. Calhoon, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten, Hill and Jones: A BILL TO AMEND SECTION 56-3-630, CODE OF LAWS OF SOUTH CAROLINA, 1976. RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO PROVIDE THAT FOR THE SOLE PURPOSE OF DETERMINING HIGH MILEAGE TAX DEDUCTIONS, MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES SHALL BE CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES.

H. 4439 -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS "ATOMIC VETERANS DAY" IN SOUTH CAROLINA.

H. 4702 -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE

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LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

H. 4743 -- Reps. Fry and Hewitt: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 481 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE DIVISION OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN

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THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS AND PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE "SOUTH CAROLINA FIRE ACADEMY", TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY ALSO MAY ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (481R001.KMM.TCA), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 40 through 43 and inserting:

/and the promulgation of regulations, not to include the sale or storage of fireworks as regulated by the State Board of Pyrotechnic Safety, for:

(a) explosives in accordance with Chapter 36, Title 23;

(b) pyrotechnic displays and shooters; /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

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Senator CLIMER proposed the following amendment (481R004.KMM.WC), which was withdrawn:

Amend the bill, as and if amended, page 3, by striking lines 38 through 40 and inserting:

/ (4) implementation of licensing, permitting, and certification programs based upon nationally recognized codes and standards, and the promulgation of regulations, not to include the manufacture, sale, or storage of fireworks as regulated by the State Board of Pyrotechnic Safety in accordance with Chapter 56, Title 50, for: /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators ALEXANDER, JACKSON and CLIMER proposed the following amendment (481R005.KD.TCA), which was adopted:

Amend the bill, as and if amended, page 8, line 13, by adding an appropriately numbered new SECTION to read:

/SECTION __. Article 1, Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Section 23-9-125. Nothing in this chapter may be construed to limit the authority of the State Board of Pyrotechnic Safety or the regulation of fireworks, pursuant to Chapter 56, Title 40.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

Senator CORBIN proposed the following amendment (481R003.KMM.TDC), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 40-42, and page 8, by striking lines 1-4 and inserting:

/ (1) there is probable cause to believe that a violation of the provisions respecting fire laws exists;

(2) that there exists imminent danger to the occupants thereof or arson; or /

(3) a fatality or serious injury has occurred as a result of fire, explosion, or arson. /

Renumber sections to conform.

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Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

On motion of Senator HUTTO, the Bill was carried over.

RECOMMITTED

H. 3784 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO ADD THE NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

On motion of Senator M.B. MATTHEWS, the Bill was recommitted to Committee on Judiciary.

RECOMMITTED

H. 4384 -- Reps. Herbkersman and W. Newton: A BILL TO AMEND SECTION 7-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD TWO PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator M.B. MATTHEWS, the Bill was recommitted to Committee on Judiciary.

OBJECTION

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE

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LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

Senators HEMBREE and HARPOOTLIAN objected to consideration of the Bill.

CARRIED OVER

S. 461 -- Senators Sheheen, Gambrell, Alexander, Cash and Senn: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

On motion of Senator MASSEY, the Bill was carried over.

CARRIED OVER

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

On motion of Senator BENNETT, the Bill was carried over.

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

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.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DG3596C001.NBD.DG20), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 12-43-220(d)(4) of the 1976 Code is amended to read:

“(4) Except as provided pursuant to Section 12-43-222, when real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, as evidenced by an action taken by the owner of the real property which is inconsistent with agricultural use, it is subject to additional taxes, ~~hereinafter~~ referred to as ~~roll-back~~ rollback taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized ~~hereunder~~ pursuant to this item and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed as ~~herein~~ provided in this item. If in the tax year in which a change in use of the real property occurs, the real property was not valued, assessed, and

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taxed under this article, then the real property is subject to ~~roll-back~~ rollback taxes for each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed ~~hereunder~~ pursuant to this item. In determining the amounts of the ~~roll-back~~ rollback taxes chargeable on real property which has undergone a change in use, the assessor ~~shall~~ shall for ~~each of the roll-back~~ rollback tax years involved shall ascertain:

(A) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

(B) the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

(C) the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under (B) of this section;

(D) the amount of the ~~roll-back~~ rollback for that tax year by multiplying the amount of the additional assessment determined under (C) of this section by the property tax rate of the taxing district applicable for that tax year.”

SECTION 2. This act takes effect January 1, 2021, and applies for agricultural real property changed to another use after 2020. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The amendment was adopted.

Senator FANNING proposed the following amendment (3596R001.SP.MWF), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 12-43-220(d)(4) of the 1976 Code is amended to read:

“(4)(A) Except as provided pursuant to Section 12-43-222, when real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, as evidenced by an action taken by the owner of the real property which is inconsistent with agricultural use, it is subject to

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additional taxes, ~~hereinafter~~ referred to as ~~roll-back rollback~~ taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized ~~hereunder pursuant to this item~~ and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed as ~~herein~~ provided in this item. If in the tax year in which a change in use of the real property occurs, the real property was not valued, assessed, and taxed under this article, then the real property is subject to ~~roll-back rollback~~ taxes for each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed ~~hereunder pursuant to this item~~. In determining the amounts of the ~~roll-back rollback~~ taxes chargeable on real property which has undergone a change in use, the assessor ~~shall~~ for ~~each of the roll-back rollback~~ tax years involved shall ascertain:

~~(A)~~(i) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

~~(B)~~(ii) the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

~~(C)~~(iii) the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under ~~(B)~~(ii) of this section;

~~(D)~~(iv) the amount of the ~~roll-back rollback~~ for that tax year by multiplying the amount of the additional assessment determined under ~~(C)~~(iii) of this section by the property tax rate of the taxing district applicable for that tax year.

(B) For a taxpayer applying real property to a use other than agriculture pursuant to this section, the discounted value allowed pursuant to Section 12-43-225(A) may only apply for three property tax years.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The amendment was adopted.

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On motion of Senator DAVIS, the Bill was carried over.

OBJECTION

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.

Senator SENN objected to consideration of the Bill.

OBJECTION

H. 3029 -- Reps. Fry, B. Newton, Crawford and Clemmons: A BILL TO AMEND SECTION 7-17-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS 7-17-530, 7-17-540, AND 7-17-550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

Senator MALLOY objected to consideration of the Bill.

READ THE SECOND TIME

S. 881 -- Senator Cromer: A BILL TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

The Senate proceeded to the consideration of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 980 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

The Senate proceeded to the consideration of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 870 -- Senators Campsen, Setzler, J. Matthews, Reese, Jackson, Rankin, Alexander, Hutto, Grooms, Cromer, Sheheen, Davis, Nicholson, Gregory, Johnson, Hembree, McElveen, Shealy, Turner, Young, Sabb, Kimpson, Gambrell, Fanning, McLeod, Senn, Talley, Harpootlian, Malloy, Allen, M.B. Matthews, Williams, Rice and Scott: A BILL TO AMEND ARTICLE 2, CHAPTER 43, TITLE 48 OF THE 1976 CODE, RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION, BY ADDING SECTION 48-43-300, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM APPROVING A PLAN, LICENSE, OR PERMIT APPLICATION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL

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OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; TO AMEND SECTION 48-43-310 OF THE 1976 CODE, RELATING TO THE REQUIREMENT FOR AN EXPLORATION PERMIT AND THE DISPOSITION OF FUNDS COLLECTED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 48-43-390(H) OF THE 1976 CODE, RELATING TO PERMITS TO CONSTRUCT DEEP WATER PORT FACILITIES, TO MAKE CONFORMING CHANGES; TO AMEND ARTICLE 1, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS, BY ADDING SECTION 6-1-190, TO PROHIBIT THE APPROVAL OF A PLAN, LICENSE, OR PERMIT APPLICATION BY A CITY, COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; AND TO DEFINE NECESSARY TERMS.

On motion of Senator CAMPSER, the Bill was carried over.

CARRIED OVER

S. 1069 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO CONTRACTOR PERFORMANCE EVALUATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4916, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator SETZLER, the Resolution was carried over.

OBJECTION

S. 1070 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO DISQUALIFICATION AND SUSPENSION FROM PARTICIPATION IN CONTRACTS WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4917,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

Senator GROOMS explained the Resolution.

Senator GROOMS objected to consideration of the Resolution.

OBJECTION

S. 46 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

Senator SENN objected to consideration of the Resolution.

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED, OBJECTION**

S. 511 -- Senators Gregory, Bennett, Shealy, Turner, Cromer, Reese and Fanning: A BILL TO AMEND SECTION 20-3-120 OF THE 1976 CODE, RELATING TO ALIMONY AND SUIT MONEY, TO PROVIDE FOR SEPARATE MAINTENANCE AND SUPPORT; TO AMEND SECTION 20-3-130 OF THE 1976 CODE, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, TO PROVIDE FOR NEW FORMS OF ALIMONY; TO AMEND SECTION 20-3-150 OF THE 1976 CODE, RELATING TO THE SEGREGATION OF ALLOWANCES BETWEEN A SPOUSE AND CHILDREN AND THE EFFECT OF THE REMARRIAGE OF A SPOUSE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 20-3-160 OF THE 1976 CODE, RELATING TO THE CARE, CUSTODY, AND MAINTENANCE OF CHILDREN, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 20-3-170 OF THE 1976 CODE, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY AND RETIREMENT BY A SUPPORTING SPOUSE, TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN

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DETERMINING THE EXISTENCE OF CHANGED CIRCUMSTANCES, TO PROVIDE THAT RETIREMENT BY A SUPPORTING SPOUSE IS SUFFICIENT GROUNDS TO WARRANT A HEARING, AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING WHETHER ALIMONY OR SEPARATE MAINTENANCE AND SUPPORT SHOULD BE MODIFIED, SUSPENDED, OR TERMINATED IN AMOUNT OR TERM; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0511.002), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ SECTION 1. Section 20-3-120 of the 1976 Code is amended to read:

“Section 20-3-120. In every divorce action from the bonds of matrimony and in every action for separate maintenance and support, either party may in his or her complaint or answer or by petition pray for the allowance to him or her of alimony or separate maintenance and support and suit money and for the allowance of such alimony or separate maintenance and support and suit money pendente lite. If such claim shall appear well-founded the court shall allow a reasonable sum therefor.”

SECTION 2. Section 20-3-130 of the 1976 Code is amended to read:

“Section 20-3-130. (A) In proceedings for divorce from the bonds of matrimony, and in actions for separate maintenance and support, the court may grant alimony or separate maintenance and support in such amounts and for such term as the court considers appropriate as from the circumstances of the parties and the nature of case may be just, pendente lite, and permanently and as otherwise allowed by this section. No alimony or separate maintenance and support may be awarded a spouse who commits adultery before the earliest of these two events: (1) the formal signing of a written property or marital settlement agreement or (2) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties.

(B) Alimony and separate maintenance and support awards may be granted pendente lite and permanently and as otherwise allowed by this section, in such amounts and for periods of time subject to conditions as the court considers just including, but not limited to:

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(1) Periodic alimony to be paid but terminating on the remarriage or continued cohabitation of the supported spouse or upon the death of either spouse, ~~(except as secured in subsection (D))~~, and terminable, suspendable, ~~and~~ or modifiable based upon the substantially changed circumstances occurring in the future. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it appropriate to order the payment of alimony on an ongoing basis where it is desirable to make a current determination and requirement for the ongoing support of a spouse to be reviewed and revised as circumstances may dictate in the future.

(2) Lump-sum alimony in a finite total sum to be paid in one installment, or periodically over a period of time, terminating only upon the death of the supported spouse, but not terminable, suspendable, or modifiable based upon remarriage by the supported spouse, continued cohabitation by the supported spouse, or substantially changed circumstances in the future. The purpose of this form of support may include, but not be limited to, circumstances where the court finds alimony appropriate but determines that such an award be of a finite and nonmodifiable nature.

(3) Rehabilitative alimony in a finite sum to be paid in one installment or periodically, terminable upon the remarriage or continued cohabitation of the supported spouse, the death of either spouse, ~~(except as secured in subsection (D))~~, or the occurrence of a specific event to occur in the future, or modifiable, terminable, or suspendable based upon substantially changed circumstances or unforeseen events frustrating the good faith efforts of the supported spouse to become self-supporting or the ability of the supporting spouse to pay the rehabilitative alimony. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it appropriate to provide for the rehabilitation of the supported spouse, but to provide modifiable ending dates coinciding with events considered appropriate by the court such as the completion of job training or education and the like, and to require rehabilitative efforts by the supported spouse.

(4) Reimbursement alimony to be paid in a finite sum, to be paid in one installment or periodically, terminable on the remarriage or continued cohabitation of the supported spouse, or upon the death of either spouse, ~~(except as secured in subsection (D))~~, but not terminable, suspendable, or modifiable based upon substantially changed circumstances in the future. The purpose of this form of support may include, but is not limited to, circumstances where the court finds it necessary and desirable to reimburse the supported spouse from the

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future earnings of the payor spouse based upon circumstances or events that occurred during the marriage.

(5) Transitional alimony to be paid periodically or in a finite total sum, but terminating upon remarriage of the supported spouse, upon the continued cohabitation of the supported spouse, upon the death of either spouse, except as secured in subsection (D), or upon a date certain. Transitional alimony is modifiable, suspendable, or terminable based upon substantially changed circumstances occurring in the future. The purpose of this form of support is to assist with the transition of the supported spouse to new financial circumstances, a new adjusted lifestyle, a new location, or any other consequences of divorce when other forms of alimony would not be appropriate.

(6) Fixed-term alimony to be paid periodically for a finite term to a supported spouse who is economically dependent, but terminating upon remarriage of the supported spouse, upon continued cohabitation of the supported spouse, upon expiration of the fixed term, or upon the death of either spouse, except as secured in subsection (D). Fixed-term alimony is modifiable, suspendable, or terminable based upon substantially changed circumstances occurring in the future. The purpose of this form of support is to allow a finite award where the court finds it appropriate and desirable to make a current determination and requirement for a fixed term of support for a spouse.

~~(5)~~(7) Separate maintenance and support to be paid periodically, but terminating upon the continued cohabitation of the supported spouse, upon the divorce of the parties, or upon the death of either spouse, ~~(except as secured in subsection (D))~~, and terminable, suspendable, and modifiable based upon changed circumstances in the future. The purpose of this form of support may include, but is not limited to, circumstances where a divorce is not sought, but it is necessary to provide for support of the supported spouse by way of separate maintenance and support ~~when~~ while the parties are living separate and apart but not divorced.

~~(6)~~(8) Such other form of spousal support, under terms and conditions as the court may consider just, as appropriate under the circumstances without limitation to grant more than one form of support.

(9) For purposes of this subsection and unless otherwise agreed to in writing by the parties, ‘continued cohabitation’ means ~~the supported spouse resides with another person in a romantic relationship for a period of ninety or more consecutive days. The court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to~~

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circumvent the ninety-day requirement a mutually supportive, intimate personal relationship in which the supported spouse and another person undertake duties and privileges commonly associated with marriage, but who do not necessarily maintain a single common household.

In the determination of whether continued cohabitation exists, the court shall consider the following factors:

- (a) intertwined finances;
- (b) sharing or joint responsibility for living expenses;
- (c) recognition of the relationship in the couple's social circle, family circle, or community;
- (d) living together, the frequency of contact, the duration of the relationship, and other indicia of a mutually supportive intimate personal relationship; and
- (e) such other factors the court considers relevant.

(C) In making an award of alimony or separate maintenance and support, the court must consider and give weight in such proportion as it finds appropriate to all of the following factors:

- (1) the duration of the marriage together with the ages of the parties at the time of the marriage and at the time of the divorce or separate maintenance action between the parties;
- (2) the physical and emotional condition of each spouse;
- (3) the educational background of each spouse, together with need of each spouse for additional training or education in order to achieve that spouse's income potential;
- (4) the employment history and earning potential of each spouse;
- (5) the standard of living established during the marriage;
- (6) the current and reasonably anticipated earnings of both spouses, not to include the past, present, or anticipated earnings of a subsequent spouse of the payor in the event of the payor's remarriage;
- (7) the current and reasonably anticipated expenses and needs of both spouses;
- (8) the marital and nonmarital properties of the parties, including those apportioned to him or her in the divorce or separate maintenance action;
- (9) custody of the children, particularly where conditions or circumstances render it appropriate that the custodian not be required to seek employment outside the home, or where the employment must be of a limited nature;
- (10) marital misconduct or fault of either or both parties, whether or not used as a basis for a divorce or separate maintenance decree if the misconduct affects or has affected the economic circumstances of the

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parties, or contributed to the breakup of the marriage, except that no evidence of personal conduct which may otherwise be relevant and material for the purpose of this subsection may be considered with regard to this subsection if the conduct took place subsequent to the happening of the earliest of (a) the formal signing of a written property or marital settlement agreement or (b) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties;

(11) the tax consequences to each party as a result of the particular form of support awarded, the tax filing status of each party, and tax matters referenced below in subsection (F);

(12) the existence and extent of any support obligation from a prior marriage or for any other reason of either party; and

(13) such other factors the court considers relevant.

(D) In making an award of alimony or separate maintenance and support, the court may make provision for security for the payment of the support including, but not limited to, requiring the posting of money, property, and bonds and may require a spouse, with due consideration of the cost of premiums, insurance plans carried by the parties during marriage, insurability of the payor spouse, the probable economic condition of the supported spouse upon the death of the payor spouse, and any other factors the court may ~~deem~~ consider relevant, to carry and maintain life insurance so as to assure support of a spouse beyond the death of the payor spouse without the need to establish special circumstances, compelling reasons, or extraordinary circumstances.

(E) In making an award of alimony or separate maintenance and support, the court may order the direct payment to the supported spouse or may require that the payments be made through the Family Court and allocate responsibility for the service fee in connection with the award. The court may require the payment of debts, obligations, and other matters on behalf of the supported spouse.

(F) The court may elect and determine the intended tax effect of the alimony and separate maintenance and support ~~as provided to the extent authorized~~ by the Internal Revenue Code and any corresponding state tax provisions. The Family Court may allocate the right to claim dependency exemptions ~~pursuant, tax credits, and deductions to the extent authorized by~~ to the Internal Revenue Code and under corresponding state tax provisions and to require the execution and delivery of all necessary documents and tax filings in connection with the exemption therewith.

(G) The Family Court may review and approve all agreements which bear on the issue of alimony or separate maintenance and support,

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whether brought before the court in actions for divorce from the bonds of matrimony, separate maintenance and support actions, or in actions to approve agreement where the parties are living separate and apart. The failure to seek a divorce, or separate maintenance, or a legal separation does not deprive the court of its authority and jurisdiction to approve and enforce the agreements. The parties may agree in writing if properly approved by the court to make the payment of alimony as set forth in items (1) through ~~(6)~~(8) of subsection (B) nonmodifiable and not subject to subsequent modification by the court.

(H) The court, from time to time after considering the financial resources and marital fault of both parties, may order one party to pay a reasonable amount to the other for attorney fees, expert fees, investigation fees, costs, and suit money incurred in maintaining an action for divorce from the bonds of matrimony, as well as in actions for separate maintenance and support, including sums for services rendered and costs incurred before the commencement of the proceeding and after entry of judgment, pendente lite and permanently and as otherwise allowed by this section.

(I) For purposes of this section:

(1) ‘Terminate, terminable, and terminating’ means to put an end to and conclude the obligation to make any further payments.

(2) ‘Modify, modifiable, and modifying’ means to allow the amount or term of alimony or separate maintenance and support to be decreased or increased.

(3) ‘Suspend, suspendable, and suspending’ means either to postpone the payment of alimony while the obligation to pay continues, or to defer both the payment and the obligation to pay.”

SECTION 3. Section 20-3-150 of the 1976 Code is amended to read:

“Section 20-3-150. If the court awards the custody of the children to the spouse receiving alimony or separate maintenance and support, the court, by its decree, unless good cause to the contrary be shown, shall allocate any award for ~~permanent~~ alimony and support between the supported spouse and the children and upon the remarriage or continued cohabitation of the supported spouse the amount fixed in the decree for his or her support shall cease and no further alimony or separate maintenance and support payments designated for the benefit of the supported spouse may be required from the supporting spouse.

For purposes of this section and unless otherwise agreed to in writing by the parties, ‘continued cohabitation’ means the supported spouse resides with another person in a romantic relationship for a period of ninety or more consecutive days. The court may determine that a

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~~continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety day requirement~~ has the same meaning as the term is defined in Section 20-3-130(B)(9).”

SECTION 4. Section 20-3-160 of the 1976 Code of Laws is amended to read:

“Section 20-3-160. In any action for divorce from the bonds of matrimony or separate maintenance and support, the court may at any stage of the cause, or from time to time after final judgment, make such orders touching the care, custody and maintenance of the children of the marriage and what, if any, security shall be given for the same as from the circumstances of the parties and the nature of the case and the best spiritual as well as other interests of the children may be fit, equitable, and just.”

SECTION 5. Section 20-3-170 of the 1976 Code is amended to read:

“Section 20-3-170. (A) Whenever any husband or wife, pursuant to a judgment of divorce from the bonds of matrimony or separate decree of separate maintenance and support, has been required to make his or her spouse any periodic payments of alimony or separate maintenance and support and the circumstances of the parties or the financial ability of the spouse making the periodic payments shall have substantially changed since the rendition of such judgment, either party may apply to the court which rendered the judgment for an order and judgment decreasing or increasing the amount of such alimony or separate maintenance and support payments or terminating, modifying, or suspending such payments and the court, after giving both parties an opportunity to be heard and to introduce evidence relevant to the issue, shall make such order and judgment as justice and equity shall require, with due regard to the substantially changed circumstances and the financial ability of the supporting spouse, decreasing or increasing or confirming the amount of alimony or separate maintenance and support provided for in such original judgment or suspending, modifying, or terminating such payments. Thereafter the supporting spouse shall pay and be liable to pay the amount of alimony or separate maintenance and support payments directed in such order and judgment and no other or further amount and such original judgment, for the purpose of all actions or proceedings of every nature and wherever instituted, whether within or without this State, shall be ~~deemed~~ considered to be and shall be modified accordingly, subject in every case to a further proceeding or proceedings

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under the provisions of this section in relation to such modified judgment.

(B) In the determination of the existence of substantially changed circumstances since the commencement of any alimony or separate maintenance and support payments, the court may consider the factors in Section 20-3-130(C) and shall consider the following factors:

(1) the reason for and amount of any substantial change in passive or active income of either spouse, not to include the past, present, or anticipated earnings of a subsequent spouse in the event of remarriage;

(2) modification of any child support obligations since the rendition of a judgment of divorce;

(3) the reason for and amount of any substantial change in net worth of either spouse;

(4) the reason for and any substantial change in earning potential of either spouse;

(5) any substantial change in expenses of either spouse;

(6) impact of the supporting spouse's health on ability to pay;

(7) retirement; and

(8) any other factors the court sees fit.

~~(B)~~(C) Retirement by the supporting spouse is sufficient grounds to warrant a hearing, if so moved by a party, to evaluate whether ~~there has been a change of circumstances for~~ the alimony or separate maintenance and support should be modified, suspended, or terminated in amount or term. The court may consider the factors in Section 20-3-130(C) and shall consider the following factors:

(1) whether retirement was contemplated when alimony was awarded;

(2) whether ~~the age of~~ the supporting spouse has reached full retirement age, which is the age at which a person becomes eligible for full social security benefits;

(3) the health of ~~the supporting~~ each spouse;

(4) ~~the reason for retirement, including~~ whether the retirement is mandatory or voluntary;

(5) whether retirement would result in a decrease in the supporting spouse's income; ~~and~~

(6) ~~the income and assets of either spouse; and~~

(7) any other factors the court sees fit.

(D) For purposes of this section:

(1) 'Terminate, terminable, and terminating' means to put an end to and conclude the obligation to make any further payments.

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(2) 'Modify, modifiable, and modifying' means to allow the amount or term of alimony or separate maintenance and support to be decreased or increased.

(3) 'Suspend, suspendable, and suspending' means either to postpone the payment of alimony while the obligation to pay continues, or to defer both the payment and the obligation to pay.'

SECTION 6. 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 7. SECTIONS 1 and 4 of this act take effect upon approval by the Governor. SECTIONS 2, 3, and 5 of this act take effect upon approval by the Governor and apply to any actions filed with a court after that effective date.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the committee amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (JUD0511.012):

Amend the bill, as and if amended, page 2, by striking lines 26 through 37, in Section 20-3-130, as contained in SECTION 2, and inserting therein the following:

/ (B) In proceedings for divorce from the bonds of matrimony; and in actions for separate maintenance and support, the court may grant alimony or separate maintenance and support in such amounts and for such term as the court considers appropriate as from the circumstances of the parties and the nature of case may be just, pendente lite, and permanently. No alimony or separate maintenance and support may be awarded a spouse who commits adultery before the ~~earliest of these two~~

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events: ~~(1) the formal signing of a written property or marital settlement agreement or (2) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties.~~ filing of an action to seek a divorce or separate maintenance and support. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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 Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0719.003), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Section 33-57-140(L) of the 1976 Code is amended to read:

“(L) An individual prize awarded to each winner in a raffle shall not exceed a maximum fair market value of ~~forty~~ eighty thousand dollars. No real property shall be offered as a prize in a raffle. For each raffle event, the total fair market value of all prizes offered by any nonprofit organization shall not exceed ~~two~~ three hundred ~~fifty~~ thousand dollars.”

SECTION 2. Section 33-57-150 of the 1976 Code is amended to read:

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“Section 33-57-150. (A) Expenses that are reasonable and necessary to operate and conduct raffles, as authorized by this chapter, are allowable.

(B) Allowable expenses include only reasonable and necessary expenses incurred for:

(1) advertising, including the cost of printing raffle tickets and gift certificates, provided that costs of advertising are reasonable and the services are not provided, directly or indirectly, in connection with any other service related to operating or conducting a nonprofit raffle regardless of whether those services are compensated;

(2) office supplies, copying, and minor office equipment costs incurred in conducting or operating a nonprofit raffle;

(3) reasonable postage, parking, and shipping costs;

(4) costs of food and beverages, including corkage and gratuity fees, provided to the attendees and volunteers of the event;

(5) costs of materials and supplies for decorating a facility used for a nonprofit raffle drawing;

(6) entertainment-related costs, such as disc jockeys, music bands, auctioneers, waiters, bartenders, and wait staff incurred during the conducting or operating of a nonprofit raffle drawing;

(7) repairs to premises and equipment related to conducting or operating a nonprofit raffle;

(8) door prizes or raffle prizes;

(9) stated premises' rental or insurance expenses;

(10) security expenses incurred in conducting or operating a nonprofit raffle;

(11) bookkeeping, accounting, or legal services utilized in connection with a nonprofit raffle including, but not limited to, the registration fees and the required financial reports;

(12) permit costs, fees, or taxes required by local or state government to conduct and operate a nonprofit raffle; and

(13) janitorial services and supplies incurred in conducting or operating a nonprofit raffle.

(C) A report shall be submitted annually to the secretary no later than the fifteenth day of the fifth month after the end of the nonprofit organization's fiscal year. The report must be signed under penalty of perjury and must contain the following information for each raffle conducted within the preceding year:

(1) the amount of the gross receipts;

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~~(2) an itemized list of expenses incurred or paid, including the name of each person, company, or governmental entity to whom an expense was paid~~ the amount of adjusted gross receipts;

~~(3) each item of an expenditure made or to be made, with a detailed description of the merchandise purchased or the services rendered, and the name of each person, company, or governmental entity to whom the expenditure is to be made~~ the total amount of expenses incurred in conducting the raffle;

~~(4) the amount of the net receipts;~~

~~(5) the use to which the net receipts have been or are to be applied~~ the total value of cash prizes awarded;

~~(6) a list of prizes offered and given, with an estimate of their respective values~~ the total value of noncash prizes awarded; and

~~(7) the number of tickets sold.~~

~~(D) A nonprofit organization that has affiliates or subsidiaries that are registered to conduct raffles pursuant to the provisions of this chapter may submit a single report that contains all of the required information for each raffle conducted by the affiliate or subsidiary to the secretary provided that the report is submitted in a format authorized by the secretary.~~

~~(E)~~ Records required by this chapter shall be preserved for three years, and organizations shall make available their records relating to operations of raffles at any time at the request of a member of the organization, or investigators from the secretary or from law enforcement. For each raffle conducted, the nonprofit organization must maintain records of the following information:

~~(1) a list of prizes offered and given with an estimate of their respective values;~~

~~(2) an itemized list of expenses incurred or paid, including the name of each person, company, or governmental entity to whom an expense was paid;~~

~~(3) each item of an expenditure made or to be made, with a detailed description of the merchandise purchased or the services rendered, and the name of each person, company, or governmental entity to whom the expenditure is to be made; and~~

~~(4) the use to which the net receipts have been applied.~~

~~(E)~~~~(F)~~ No new registration shall be issued to an organization that fails to file its report as required by this section until all reports are filed, and the secretary has confirmed that the information in the reports is in compliance with the provisions of this chapter. An organization that fails to file a timely annual report required by this section may be assessed by

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the secretary administrative fines of ten dollars for each day of noncompliance for each delinquent report not to exceed two thousand dollars for each separate violation. In addition to the assessed fines, the secretary may revoke an organization's registration for failure to file an annual report and bring an action before an administrative law judge to enjoin the organization from conducting raffles until the required reports are filed with the secretary."

SECTION 3. Section 33-57-200 of the 1976 Code is amended to read:

"Section 33-57-200. ~~(A) The provisions of this chapter are repealed as of July 1, 2020, unless and until the General Assembly reauthorizes the provisions by joint resolution by a two-thirds vote of each body. The vote on the reauthorization may occur within two years preceding the date of repeal July 1, 2025.~~

~~(B) The provisions of this chapter are repealed every ten years thereafter, unless reauthorized in accordance with subsection (A)."~~

SECTION 4. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Verdin

Talley
Williams

Turner
Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

S. 1002 -- Senators Rankin, Malloy, Young, McElveen, Kimpson, M.B. Matthews, Senn, Harpootlian, Sabb, Campsen, Hutto, Setzler, Hembree, Talley, Davis and Goldfinch: A BILL TO AMEND SECTION 14-7-1050, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; TO AMEND SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND TO AMEND SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

Senator MASSEY objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

H. 3309 -- Reps. Cobb-Hunter, Thigpen, Henderson-Myers, Collins, Rose, Dillard, Caskey, Bannister, Norrell and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD3309.004), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Article 15

Statewide Sexual Assault Kit Tracking System

Section 23-3-1300. (A) The State Law Enforcement Division (SLED) shall create and operate a statewide sexual assault kit tracking system. SLED may contract with state or non-state entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(B) All medical facilities, law enforcement agencies, forensic laboratories, or other persons or entities that collect evidence for, or receive, store, analyze, maintain or preserve sexual assault kits, must participate in the statewide sexual assault kit tracking system for the purpose of tracking the location and status of all sexual assault kits in their custody. Participation must begin according to the implementation schedule established by SLED.

(C) The statewide sexual assault kit tracking system must:

(1) track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;

(2) allow participating entities who have custody of sexual assault kits to update and track the status and location of the kits;

(3) allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

(4) use electronic or other technologies which allow for continuous access.

(D) SLED may use a phased implementation process in order to launch the system and facilitate entry and use of the system for entities required to participate pursuant to subsection (B). SLED may phase in initial participation according to region, volume, or other appropriate classifications. All entities must participate fully in the system no later than June 1, 2022. SLED shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the House and Senate Judiciary committees and the Governor by January 1, 2021.

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(E) SLED shall submit a semiannual report on the statewide sexual assault kit tracking system to the House and Senate Judiciary committees and the Governor. SLED may publish the current report on its website. The first report is due July 31, 2022, and subsequent reports are due January thirty-first and July thirty-first of each year. The report must include the:

(1) total number of sexual assault kits in the system statewide and by jurisdiction;

(2) total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;

(3) number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(4) total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed statewide and by jurisdiction;

(5) average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(6) average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(7) total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;

(8) total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and six months or more have passed since those sexual assault kits were added to the system; and

(9) total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(F) For the purpose of reports under subsection (E), a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise in custody of the sexual assault kit.

(G) SLED shall establish guidelines to ensure that the statewide sexual assault kit tracking system protects victim information from

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disclosure to nonparticipating entities. Except as otherwise required for reporting under subsection (E), information maintained in the statewide sexual assault kit tracking system is confidential and not a public record as defined in Section 30-4-20(C).

(H) A participating entity may not be held civilly liable for damages arising from the release of information or the failure to release information related to the statewide sexual assault kit tracking system, as long as the release was without gross negligence.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the committee amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (JUD3309.006), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 1 through 7.

Renumber sections to conform.
Amend title to conform.

Senator MALLOY explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler

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Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 1041 -- Senator Climer: A BILL TO AMEND SECTION 39-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO ADD THE DEFINITION OF "LATE FEE"; TO AMEND SECTION 39-20-30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (1041R001.KD.), which was adopted:

Amend the bill, as and if amended, page 1, by striking all after the enacting words and inserting:

/SECTION 1. Section 39-20-20 of the 1976 Code is amended by adding appropriately lettered new items to read:

“() ‘Independent bidder’ means a bidder who is not related to and who has no controlling interest in, or common pecuniary interest with, the owner or any other bidder.

() ‘Late fee’ means any fee or charge assessed for an occupant’s failure to pay rent or other fees, charges, or costs when due. ‘Late fee’ does not include interest on a debt, expenses incurred in the collection of unpaid rent, expenses necessary for the preservation of personal property or expenses reasonably incurred in its sale or another disposition under

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this chapter, or costs associated with the enforcement of any other remedy provided by law or contract.”

SECTION 2. Section 39-20-30 of the 1976 Code is amended by adding appropriately lettered new subsections at the end to read:

“() An owner may impose a reasonable late fee if an occupant does not pay all rent, charges, fees, or expenses when due.

() An owner may not impose a late fee unless the amount of that fee and the conditions for imposing that fee are stated in the rental agreement.

() A late fee of twenty dollars or ten percent of the amount of each rental payment, whichever is greater, is considered reasonable and does not constitute a penalty. Any late fee imposed by an owner pursuant to this section must be in addition to any other remedy provided by law or contract.”

SECTION 3. Section 39-20-45(E) and (I) of the 1976 Code is amended to read:

“(E) After the expiration of the fifty-day default period, the owner shall publish an advertisement of the public sale to the highest bidder once a week for two consecutive weeks in the print version and the digital version, if available, of a newspaper of general circulation where the self-service storage facility is located and in any other commercially reasonable manner. The manner of advertisement is considered commercially reasonable if at least three independent bidders attend or view the sale in person or online at the time and place advertised.

(I) If no one purchases the property at the public sale and if the owner has complied with the foregoing procedures, the owner may otherwise dispose of the property and shall notify the occupant of the action taken. Any sale or disposition of the personal property must be held at the self-service storage facility, ~~or~~ at the nearest suitable place to where the personal property is held or stored, or online.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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Senator SCOTT proposed the following amendment (SA\1041C001.RT.SA20), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. Section 39-20-30 of the 1976 Code is amended by adding appropriately lettered subsections at the end to read:

“() An owner may impose a reasonable late fee if an occupant does not pay all rent, charges, fees, or expenses when due.

() An owner may not impose a late fee unless the amount of that fee and the conditions for imposing that fee are stated in the rental agreement.

() A late fee of twenty dollars or ten percent of the amount of each rental payment, whichever is greater, after the rent is past due for ten days, is considered reasonable and does not constitute a penalty. Any late fee imposed by an owner pursuant to this section must be in addition to any other remedy provided by law or contract.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

On motion of Senator CORBIN, the Bill was carried over.

OBJECTION

S. 1084 -- Senators Grooms and Senn: A BILL TO AMEND ARTICLE 3, CHAPTER 25, TITLE 57 OF THE 1976 CODE, RELATING TO THE HIGHWAY ADVERTISING CONTROL ACT, BY ADDING SECTION 57-25-187, TO PROVIDE THAT AN OWNER OF AN OUTDOOR ADVERTISING SIGN SHALL HAVE THE OPTION TO RELOCATE OR ADJUST THE SIGN IF THE SIGN IS OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER, TO PROVIDE THAT THE COST OF RELOCATING OR ADJUSTING THE SIGN SHALL BE PAID BY THE ENTITY RESPONSIBLE FOR THE CONSTRUCTION OF THE SOUND BARRIER, AND TO PROVIDE THAT A LOCAL GOVERNMENT SHALL PROVIDE COMPENSATION IF THE DEPARTMENT OF TRANSPORTATION ISSUES AN ENCROACHMENT PERMIT TO THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF A

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SOUND BARRIER WITHIN A HIGHWAY RIGHT-OF-WAY; AND TO AMEND SECTION 57-25-190 OF THE 1976 CODE, RELATING TO COMPENSATION FOR THE REMOVAL OF SIGNS AND RELOCATION OF SIGNS AFFECTED BY HIGHWAY PROJECTS, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY JUST COMPENSATION UPON THE REMOVAL OF AN OUTDOOR ADVERTISING SIGN IF THE VISIBILITY OR READABILITY OF THE SIGN HAS BEEN OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER WITHIN THE HIGHWAY RIGHT-OF-WAY.

Senator SENN objected to consideration of the Bill.

ADOPTED

S. 1131 -- Senator Turner: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 16 AND THURSDAY, NOVEMBER 19 AND FRIDAY, NOVEMBER 20, 2020. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

The Resolution was adopted.

S. 1051 -- Senator Campbell: A SENATE RESOLUTION TO RECOGNIZE NOVEMBER 19, 2020, AS "TRANSPORTATION SECURITY ADMINISTRATION APPRECIATION DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

S. 1118 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 12, 2020.

The Resolution was adopted, ordered sent to the House.

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OBJECTION

H. 5282 -- Rep. Howard: A CONCURRENT RESOLUTION TO DECLARE MARCH 2020 AS BLEEDING DISORDERS AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO INCREASE RECOGNITION OF THESE ILLNESSES.

Senator VERDIN objected to consideration of the Resolution.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 4:02 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

**H. 4411 -- REPORT OF THE
COMMITTEE OF FREE CONFERENCE ADOPTED**

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator SABB, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SABB spoke on the report.

On motion of Senator SABB, with unanimous consent, the Committee of Conference was granted Free Conference Powers.

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**H. 4411 -- Free Conference Powers Granted
Free Conference Committee Appointed**

Whereupon, Senators SABB, WILLIAMS and GOLDFINCH were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

On motion of Senator SABB, with unanimous consent, the Report of the Committee of Free Conference was adopted.

The Report of the Committee of Free Conference was adopted as follows:

H. 4411 -- Free Conference Report

The General Assembly, Columbia, S.C., February 19, 2020

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 01/16/20.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 7-7-320 of the 1976 Code, as last amended by Act No. 133 of 2018, is further amended to read:

"Section 7-7-320. (A) In Horry County there are the following voting precincts:

Adrian
Allsbrook
Atlantic Beach
Aynor
Bayboro-Gurley

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Brooksville #1
Brooksville #2
Brownway
Burgess #1
Burgess #2
Burgess #3
Burgess #4
Burgess #5
Carolina Bays
Carolina Forest #1
Carolina Forest #2
Cedar Grove
Cherry Grove #1
Cherry Grove #2
Coastal Carolina
Coastal Lane #1
Coastal Lane #2
Cool Springs
Crescent
Daisy
Deerfield
Dog Bluff
Dogwood
Dunes #1
Dunes #2
Dunes #3
East Conway
East Loris
Ebenezer
Emerald Forest #1
Emerald Forest #2
Emerald Forest #3
~~Enterprise~~
Enterprise #1
Enterprise #2
Forestbrook
Four Mile
Galivants Ferry
Garden City #1
Garden City #2
Garden City #3

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Garden City #4
Glenns Bay
Green Sea
Hickory Grove
~~Hickory Hill~~
Homewood
Horry
Inland
Jackson Bluff
Jamestown
Jernigans X Roads
Jet Port #1
Jet Port #2
Jet Port #3
Jet Port #4
~~Jordanville~~
~~Joyner Swamp~~
Juniper Bay
Lake Park #1
Lake Park #2
Lake Park #3
Leon
Little River #1
Little River #2
Little River #3
Live Oak
Maple
Marlowe #1
Marlowe #2
Marlowe #3
Methodist-Mill Swamp
Mt. Olive
Mt. Vernon
Myrtle Trace
Myrtlewood #1
Myrtlewood #2
Myrtlewood #3
Nixons X Roads #1
Nixons X Roads #2
Nixons X Roads #3
North Conway #1

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North Conway #2
Ocean Drive #1
Ocean Drive #2
Ocean Drive #3
Ocean Forest #1
Ocean Forest #2
Ocean Forest #3
Palmetto Bays
Pawley's Swamp
Pleasant View
Poplar Hill
Port Harrelson
Race Path #1
Race Path #2
Red Bluff
Red Hill #1
Red Hill #2
River Oaks
Salem
Sea Oats #1
Sea Oats #2
Sea Winds
Shell
Socastee #1
Socastee #2
Socastee #3
Socastee #4
~~Spring Branch~~
Surfside #1
Surfside #2
Surfside #3
Surfside #4
Sweet Home
~~Taylorville~~
Tilly Swamp
Toddville
Waccamaw
Wampee
West Conway
West Loris
White Oak

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Wild Wing
Windy Hill #1
Windy Hill #2

(B) Precinct lines defining the precincts provided for in subsection (A) are as shown on maps filed with the Board of Voter Registration and Elections of Horry County as provided and maintained by the Revenue and Fiscal Affairs Office designated as document ~~P-51-17~~ P-51-20A.

(C) Polling places for the precincts listed in subsection (A) must be determined by the Board of Voter Registration and Elections of Horry County with the approval of a majority of the Horry County Legislative Delegation.”

SECTION 2. This act takes effect March 15, 2020. /
Amend title to conform.

/s/Sen. Kent M. Williams	/s/Rep. Russell W. Fry
/s/Sen. Ronnie A. Sabb	/s/Rep. Heather Ammons Crawford
/s/Sen. Stephen L. Goldfinch Jr.	/s/Rep. Kevin James Hardee
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE
SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

NONCONCURRENCE

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CROMER explained the amendments.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 41

AYES

Total--0

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

On motion of Senator CROMER, the Senate nonconcurrent in the House amendments and a message was sent to the House accordingly.

HOUSE AMENDMENTS AMENDED, CARRIED OVER

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.

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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 SHEALY proposed the following amendment (JUD0194.005), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 38-40 and inserting therein:

/ (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; /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator SHEALY proposed the following amendment (JUD0194.006), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 4. F. beginning on page 7, line 32 and ending on page 8, line 24.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, with unanimous consent, the amendment was withdrawn.

On motion of Senator MALLOY, the Bill was carried over.

CONCURRENCE

S. 580 -- Senator Gambrell: A BILL TO AMEND CHAPTER 29, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE

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OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator BENNETT explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Verdin

Talley
Williams

Turner
Young

Total--42

NAYS

Total--0

On motion of Senator BENNETT, 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.

NONCONCURRENCE

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEALY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 41

AYES

Total--0

NAYS

Alexander
Campbell
Climer
Davis
Grooms
Hutto

Allen
Campsen
Corbin
Fanning
Harpootlian
Jackson

Bennett
Cash
Cromer
Gregory
Hembree
Johnson

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Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--41

On motion of Senator SHEALY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Retired Lieutenant James Odell Cochran of Conway, S.C. James had 38 years experience with the Conway Police Department. James was a loving father who served his community well and will be dearly missed.

and

MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Athanasios Ouzounidis of Sumter, S.C. Athanasios immigrated to the United States from Greece when he was 18 years old. He owned and operated several restaurants. He enjoyed walking his dog, spending time with family and traveling. Athanasios was a loving husband and devoted father who will be dearly missed.

TUESDAY, MARCH 10, 2020

ADJOURNMENT

At 4:13 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

Wednesday, March 11, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Philippians 2:2

“Complete my joy by being of the same mind, having the same love, being in full accord and of one mind.”

Let us pray. Spirit of the living God, fall afresh on this Senate Chamber. Enter the hearts and minds and the actions of each Senator as he or she deliberates on matters of great concern to our State. You have warned us that a kingdom divided against itself cannot stand. Help us to affirm that those things on which we agree are of greater value than those things on which we differ. As this Body works together, give them the courage to give as well as take in negotiations and give them the determination to keep working until the issues are resolved. Grant these leaders O God, Your help, Your encouragement and Your unfailing love. Through Your holy name we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 1:04 P.M., Senator SCOTT made the point that a quorum was not present. It was ascertained that a quorum was not present.

RECESS

At 1:05 P.M., on motion of Senator SCOTT, the Senate recessed from business not to exceed 5 minutes.

At 1:10 P.M., the Senate resumed.

Doctor of the Day

Senator CAMPSER introduced Dr. John Corless of Charleston, S.C., Doctor of the Day.

Expression of Personal Interest

Senator CROMER rose for an Expression of Personal Interest.

WEDNESDAY, MARCH 11, 2020

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:

S. 918 Sen. Davis

RECALLED AND COMMITTED

S. 1155 -- Senator Campbell: A BILL TO AMEND SECTION 31-6-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX INCREMENT FINANCING PROJECTS, SO AS TO INCLUDE PRIVATELY OWNED AFFORDABLE HOUSING PROJECTS WITHIN THE DEFINITION OF REDEVELOPMENT PROJECT.

On motion of Senator ALEXANDER, with unanimous consent, the Bill was recalled from the Committee on Labor, Commerce and Industry and committed to the Committee on Finance.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1163 -- Finance Committee: A BILL TO AMEND CHAPTER 31, TITLE 58, RELATING TO THE PUBLIC SERVICE AUTHORITY, BY ADDING SECTION 58-31-15, BY AMENDING SECTION 58-31-20, BY ADDING ARTICLE 7, BY ADDING ARTICLE 9, AND BY ADDING ARTICLE 10, TO REMOVE THE CURRENT BOARD OF DIRECTORS OF THE PUBLIC SERVICE AUTHORITY AND ESTABLISH AN INTERIM BOARD, TO PROVIDE FOR A RETAIL RATES PROCESS, TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF THE PUBLIC SERVICE AUTHORITY, TO PROVIDE FOR REFORM OF THE BOARD OF DIRECTORS OF THE PUBLIC SERVICE AUTHORITY AND ESTABLISH AN ELECTION PROCESS, TO ESTABLISH COMPETITIVE PROCUREMENT REQUIREMENTS FOR SOLAR RESOURCES, AND TO PROVIDE FOR RESOURCE PLANNING FOR THE PUBLIC SERVICE COMMISSION; TO AMEND SECTION 58-33-20, RELATING TO CERTAIN DEFINITIONS, TO INCORPORATE THE PUBLIC SERVICE AUTHORITY IN THE SITING ACT; AND TO AMEND SECTIONS 58-40-10(D), 58-41-10(4), AND 58-27-845(E), RELATING TO CERTAIN DEFINITIONS, TO SUBJECT THE PUBLIC SERVICE AUTHORITY TO THE ACT 62 CUSTOMER CHOICE, VOLUNTARY RENEWABLE ENERGY PROGRAM,

WEDNESDAY, MARCH 11, 2020

COMMUNITY SOLAR, AND CUSTOMER ACCESS TO DATA PROVISIONS.

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Read the first time and referred to the Committee on Judiciary.

S. 1164 -- Senator Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-100 SO AS TO PROVIDE A DEFINITION FOR THE TERM "MOTOR CARRIER SAFETY IMPROVEMENT" AND TO PROVIDE THE DEPLOYMENT, IMPLEMENTATION, OR USE OF CERTAIN MOTOR CARRIER SAFETY IMPROVEMENTS SHALL NOT BE CONSIDERED WHEN EVALUATING AN INDIVIDUAL'S STATUS AS AN EMPLOYEE, JOINT EMPLOYEE, OR INDEPENDENT CONTRACT UNDER STATE LAW.

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Read the first time and referred to the Committee on Transportation.

S. 1165 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO RENEWAL OF CREDENTIALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4920, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1166 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4918, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1167 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO E-FILING AND E-SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4879,

WEDNESDAY, MARCH 11, 2020

PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1168 -- Senator Grooms: A BILL TO AMEND SECTION 59-32-30(A)(5) OF THE 1976 CODE, RELATING TO LOCAL SCHOOL BOARDS' GUIDELINES FOR COMPREHENSIVE HEALTH EDUCATION PROGRAMS, TO PROVIDE PARAMETERS FOR THE PROGRAM OF INSTRUCTION.

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Read the first time and referred to the Committee on Education.

S. 1169 -- Senator Loftis: A BILL TO AMEND SECTION 30-2-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE FAMILY PRIVACY PROTECTION ACT OF 2002, SO AS TO REVISE THE DEFINITION OF "PERSONAL INFORMATION" TO EXCLUDE CONTRACTOR INFORMATION, LOCATIONS, COSTS, OR DESCRIPTIONS CONTAINED IN BUILDING PERMITS FILED WITHIN ANY ENTITY IN THIS STATE.

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Read the first time and referred to the Committee on Judiciary.

S. 1170 -- Senators Setzler, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF THE HONORABLE GEORGE THOMAS "TOM" TURNIPSEED, FORMER SOUTH CAROLINA STATE SENATOR, OF LEXINGTON COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS DEVOTED FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

WEDNESDAY, MARCH 11, 2020

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.

Read the first time and referred to the Committee on Finance.

H. 5202 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2019-2020, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Read the first time and referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 891 -- Senator Shealy: A BILL TO AMEND SECTION 61-4-90(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF BEER OR WINE FOR UNDERAGE PERSON'S CONSUMPTION, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO AMEND SECTION 61-6-4070(A), RELATING TO THE TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO REPEAL SECTION 61-4-100, RELATING TO CRIMINAL CHARGES BROUGHT AGAINST BOTH A SELLER AND PURCHASER; AND TO REPEAL SECTION 61-6-4085, RELATING TO CHARGES AGAINST A SELLER AND MINOR PURCHASER.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 922 -- Senator Climer: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060, SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 987 -- Senator Hembree: A BILL TO AMEND SECTION 23-35-175, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCHARGE OF FIREWORKS AND CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "FIREWORKS PROHIBITED ZONE" TO INCLUDE ANY PUBLIC BEACH OR PUBLIC BEACH ACCESS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 1115 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY

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ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE'S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE

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BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645,

WEDNESDAY, MARCH 11, 2020

RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTER 12 OF TITLE 34 RELATING TO COUNTY AND MULTI-COUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

Ordered for consideration tomorrow.

Appointments Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

House - Minority:

Alonzo J. Holloway, 116 Wynfield Ct., Columbia, SC 29210

Received as information.

Reappointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large - Gubernatorial:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229-3391

Received as information.

WEDNESDAY, MARCH 11, 2020

Message from the House

Columbia, S.C., March 11, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

asks for a Committee of Conference, and has appointed Reps. Clemmons, Stavrinakis and D.C. Moss to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

S. 76 -- CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators CROMER, SCOTT and CORBIN 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., March 11, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

asks for a Committee of Conference, and has appointed Reps. Bernstein, Collins and Caskey to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

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S. 601 -- CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators SHEALY, HUTTO and YOUNG were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

HOUSE CONCURRENCES

S. 1118 -- Senators Shealy, Setzler and Senn: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 12, 2020.

Returned with concurrence.

Received as information.

S. 1146 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, APRIL 29, 2020, AS THE AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE TERMS THAT EXPIRE JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE

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BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT, 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE

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BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; AND THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024.

Returned with concurrence.

Received as information.

S. 1154 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BENEDICT COLLEGE FOR THE TRANSFORMATIVE IMPACT THE INSTITUTION HAS MADE ON THE LIVES OF LEGIONS OF STUDENTS AND ALUMNI, THE COMMUNITY, THE STATE OF SOUTH CAROLINA, THE NATION, AND AROUND THE WORLD FOR A CENTURY AND A HALF AND TO CONGRATULATE STUDENTS, ALUMNI, FACULTY AND ADMINISTRATION AS THEY CELEBRATE THEIR SESQUICENTENNIAL ANNIVERSARY.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

S. 1134 -- Senator Malloy: A BILL TO AMEND ACT 259 OF 1961, AS AMENDED, RELATING TO THE HARTSVILLE COMMUNITY CENTER BUILDING COMMISSION, SO AS TO INCREASE THE

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COMMISSION'S MEMBERSHIP FROM THREE TO FIVE MEMBERS.

On motion of Senator MALLOY.

**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. 9 -- Senators Peeler, Johnson, Rice, Gregory, Turner, Bennett, Climer, Grooms and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN IT IS LAWFUL TO DRIVE A VEHICLE IN THE LEFT LANE OF AN INTERSTATE HIGHWAY, AND TO PROVIDE THE CIRCUMSTANCES UNDER WHICH A TRAFFIC TICKET MAY BE ISSUED FOR THE VIOLATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--42

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NAYS

Corbin

Total--1

The Bill was read the second time passed and ordered to a third reading.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 881 -- Senator Cromer: A BILL TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

S. 980 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, SO AS TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

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

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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.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3309 -- Reps. Cobb-Hunter, Thigpen, Henderson-Myers, Collins, Rose, Dillard, Caskey, Bannister, Norrell and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM.

READ THE SECOND TIME

S. 481 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE DIVISION OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL

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CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS AND PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE "SOUTH CAROLINA FIRE ACADEMY", TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY ALSO MAY ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn

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Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 461 -- Senators Sheheen, Gambrell, Alexander, Cash and Senn: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

On motion of Senator MASSEY, the Bill was carried over.

AMENDMENT PROPOSED, CARRIED OVER

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS;

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AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

The Senate proceeded to the consideration of the Bill.

Senator CASH proposed the following amendment (3200R001.SP.RJC):

Amend the bill, as and if amended, page 2, by striking line 27 and inserting:

/create an undue hardship on the operations of the employer. Nothing in this section shall be construed to require an employer to build a room for the primary purpose of expressing breast milk. /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

On motion of Senator M.B. MATTHEWS, the Bill was carried over.

AMENDMENT RECONSIDERED, CARRIED OVER

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.

The Senate proceeded to the consideration of the Bill.

Having voted on the prevailing side, Senator DAVIS moved to reconsider the vote whereby the Amendment No. 1 (3596R001.SP.MWF) was adopted on March 10, 2020.

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Senator DAVIS explained the amendment and Bill.

The question then was the motion to reconsider the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 4

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Kimpson
Leatherman	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Fanning	Harpootlian	Johnson
McLeod		

Total--4

The amendment was reconsidered.

On motion of Senator FANNING, the Bill was carried over.

CARRIED OVER

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.

On motion of Senator CAMPBELL, the Bill was carried over.

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CARRIED OVER

S. 870 -- Senators Campsen, Setzler, J. Matthews, Reese, Jackson, Rankin, Alexander, Hutto, Grooms, Cromer, Sheheen, Davis, Nicholson, Gregory, Johnson, Hembree, McElveen, Shealy, Turner, Young, Sabb, Kimpson, Gambrell, Fanning, McLeod, Senn, Talley, Harpootlian, Malloy, Allen, M.B. Matthews, Williams, Rice and Scott: A BILL TO AMEND ARTICLE 2, CHAPTER 43, TITLE 48 OF THE 1976 CODE, RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION, BY ADDING SECTION 48-43-300, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM APPROVING A PLAN, LICENSE, OR PERMIT APPLICATION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; TO AMEND SECTION 48-43-310 OF THE 1976 CODE, RELATING TO THE REQUIREMENT FOR AN EXPLORATION PERMIT AND THE DISPOSITION OF FUNDS COLLECTED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 48-43-390(H) OF THE 1976 CODE, RELATING TO PERMITS TO CONSTRUCT DEEP WATER PORT FACILITIES, TO MAKE CONFORMING CHANGES; TO AMEND ARTICLE 1, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS, BY ADDING SECTION 6-1-190, TO PROHIBIT THE APPROVAL OF A PLAN, LICENSE, OR PERMIT APPLICATION BY A CITY, COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION FOR INFRASTRUCTURE USED TO FACILITATE THE TRANSPORTATION OF CRUDE OIL OR NATURAL GAS FROM THE ATLANTIC OCEAN INTO THIS STATE, OR FOR THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; AND TO DEFINE NECESSARY TERMS.

On motion of Senator GROOMS, the Bill was carried over.

AMENDMENT PROPOSED, CARRIED OVER

S. 1041 -- Senator Climer: A BILL TO AMEND SECTION 39-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO

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ADD THE DEFINITION OF "LATE FEE"; TO AMEND SECTION 39-20-30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

The Senate proceeded to the consideration of the Bill.

Senator CORBIN proposed the following amendment (1041R003.KD.TDC):

Amend the bill, as and if amended, page 2, by striking lines 21-24 and inserting:

/ any other commercially reasonable manner. /

ReNUMBER sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

On motion of Senator ALEXANDER, the Bill was carried over.

POINT OF ORDER

S. 1068 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 977 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUMES 11A AND 20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2020.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

H. 5344 -- Reps. Simrill, Cobb-Hunter and Finlay: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 6 THROUGH 10, 2020 AS "INDEPENDENT COLLEGES AND UNIVERSITIES WEEK" AND APRIL 8, 2020, AS "INDEPENDENT COLLEGES AND UNIVERSITIES DAY."

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 2:02 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

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.

The House returned the Bill with amendments.

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The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

Senators HUTTO, SHEALY, and HEMBREE proposed the following amendment (JUD0194.007), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4. F., beginning on page 7, line 32, and ending on page 8, line 24, and inserting:
/ F. Article 19, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-2130. (A) A person commits the offense of promoting travel for prostitution or sex trafficking if he knowingly sells or offers to sell travel services that include travel for the purpose of engaging in prostitution as defined in Section 16-15-90, procuring or soliciting for prostitution as defined in Section 16-15-100, or sex trafficking as defined in this article. A person may not:

(1) promote travel for prostitution;

(2) sell, advertise, or otherwise offer to sell travel services:

(a) for the purpose of engaging in prostitution or sex trafficking;

(b) that consist of tourism packages or activities using and offering any illegal sexual act as enticement for tourism; or

(c) that provide or purport to provide access to sex escorts or sexual services.

(B) A person who violates the provisions of this section is guilty of the felony of promoting travel for prostitution or sex trafficking and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than ten years, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander
Campsen
Corbin

Bennett
Cash
Cromer

Campbell
Climer
Davis

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Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

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 GROOMS explained the House amendments.

Senator GROOMS proposed the following amendment (635R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

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/SECTION __. A. Section 56-3-7780 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped placard issued pursuant to Section 56-3-1960, then the license plate issued pursuant to this section shall also include the international symbol of access used on placards issued pursuant to Section 56-3-1960. Until the Department of Motor Vehicles determines that the license plate shall be redesigned to include the international symbol of access, the Department of Motor Vehicles shall develop a decal using the international symbol of access to be placed on the license plate, which shall be issued to all persons who request the license plate authorized by this section.”

B. The Department of Motor Vehicles shall issue a license plate that includes the international symbol of access pursuant to Section 56-3-7780, as amended by this act, to persons who request the license plate authorized by Section 56-3-7780 and who were previously issued license plates pursuant to Section 56-3-7780 on or before the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of the amendment.

Senator YOUNG spoke on the Bill.

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
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley

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Turner
Young

Verdin

Williams

Total--40

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Remarks by Senator YOUNG

Members of the Senate I just want to make a comment about this Bill. First, I want to thank the Senate and the House for passing this Bill. I know we amended it so it has to go back to the House. This Bill is a good Bill for all South Carolinians. Every person in this Body and every person here in this Chamber has been affected by cancer. Some of us have had cancer. Nearly all of us -- if not all -- have had a family member who has had cancer. So I want to thank the members of this Body for passing this Bill because what this Bill will do is to help raise funds for cancer research both at the Hollings Center at MUSC in Charleston and at Duke Cancer in Durham, North Carolina.

I also want to publicly thank Aiken Department of Public Safety employee, David Turno. He is my constituent living in Aiken where he is a long-time police officer. David has brain cancer. David is the person who came up with the idea for this Bill. He decided during his cancer treatments that he wanted to make a difference. And what he did is an example of how one person can make a difference. David came up with the idea for this tag, raised the money to start the tag program, and he approached the members of our delegation in Aiken County. We filed this Bill and now the General Assembly has passed it. There are going to be people in South Carolina, across the nation, and around the world who will benefit from the funding that comes from the sale of these tags to help pay for cancer research. I want to thank everybody in this Senate, I want to thank the General Assembly, and I want to thank David Turno for what he has done in bringing this idea to our Body. Thank you.

On motion of Senator TALLEY, with unanimous consent, the remarks of Senator YOUNG, were ordered printed in the Journal.

WEDNESDAY, MARCH 11, 2020

Expression of Personal Interest

Senator CROMER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Suzanne Chapman Jackson of Sumter, S.C. Suzanne taught math at Wilson Hall and Sumter High Schools and after retirement, she became a Clemson Master Gardener. She served in the Junior League and the Bland Garden Club and was very involved in First Presbyterian Church. Suzanne was a loving mother and devoted grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Tom Turnipseed of Columbia, S.C. Tom was the founder of Turnipseed & Associates in Columbia and served in the state Senate from 1976 - 1980. He fought for racial, social and economic justice and is known for his progressive activism and social justice work. Tom was a loving husband and devoted father who served our State well and will be dearly missed.

ADJOURNMENT

At 2:45 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

Thursday, March 12, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

1 Peter 4:10

“Each of you should use whatever gift you have received to serve others, as faithful stewards of God’s grace in its various forms.”

Let us pray. Dear Father, You know us as we really are and see beneath the facade of our own self-sufficiency. You know exactly what we can accomplish before we act.

You gave us our gifts and opened the doors of opportunity for us to serve here. All that we are is a result of Your grace.

In all of our challenges You are our strength but You also know our fears, our discouragements and our disappointments. When we turn to You O Lord, You feel our physical and emotional pain and You bring healing and a sense of encouragement and peace to us.

With thankful hearts we acknowledge that You are our Lord and our Savior, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

RECESS

At 11:04 A.M., on motion of Senator MARTIN, the Senate recessed from business until 11:09 A.M.

At 11:09 A.M., the Senate resumed.

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4894

Agency: State Fiscal Accountability Authority

Chapter: 19

Statutory Authority: 1976 Code Sections 11-35-10 et seq., and 2019 Act No. 41, Section 76

SUBJECT: Consolidated Procurement Code

Received by Lieutenant Governor January 14, 2020

THURSDAY, MARCH 12, 2020

Referred to Committee on Finance
Legislative Review Expiration May 13, 2020
Withdrawn and Resubmitted March 11, 2020

Document No. 4932
Agency: Department of Insurance
Chapter: 69
Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-71-2200 et seq.
SUBJECT: Pharmacy Benefits Managers
Received by Lieutenant Governor January 14, 2020
Referred to Committee on Banking and Insurance
Legislative Review Expiration May 13, 2020
Withdrawn and Resubmitted March 11, 2020

Leave of Absence

At 11:33 A.M., Senator SETZLER requested a leave of absence for Senator KIMPSON for the day.

Leave of Absence

At 11:33 A.M., Senator GROOMS requested a leave of absence for Senator CAMPBELL for the day.

Leave of Absence

At 11:34 A.M., Senator NICHOLSON requested a leave of absence for Senator GAMBRELL for the day.

Leave of Absence

At 12:18 P.M., Senator SABB requested a leave of absence for Senator ALLEN for the balance of the day.

Expression of Personal Interest

Senator M.B. MATTHEWS rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bill:
S. 1071 Sens. Fanning and Johnson

THURSDAY, MARCH 12, 2020

RECALLED

S. 1020 -- Senator Climer: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD THE CRESCENT AND HANDS MILL 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.

Senator RANKIN 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.

RECALLED

S. 1045 -- Senator Goldfinch: A BILL TO AMEND SECTION 7-7-270(B), AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator RANKIN 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.

RECALLED

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.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5305 -- Reps. Norrell, B. Newton, Yow and Lucas: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE THE NAMES OF SEVEN 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.

Senator RANKIN 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.

RECALLED AND COMMITTED

H. 4404 -- Reps. Stringer, Herbkersman, W. Newton, Yow, Huggins, Ballentine, Erickson, B. Cox, Elliott, Allison, Forrest, G.M. Smith and Haddon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "VETERANS NURSING DEGREE OPPORTUNITY ACT"; AND BY ADDING ARTICLE 3 TO CHAPTER 33, TITLE 40 SO AS TO AUTHORIZE THE DEVELOPMENT AND IMPLEMENTATION OF VETERAN ASSOCIATE OF SCIENCE IN NURSING DEGREE PROGRAMS AND VETERAN BACHELOR OF SCIENCE IN NURSING DEGREE PROGRAMS TO ENABLE MILITARY VETERANS WITH RELEVANT MILITARY TRAINING AND EXPERIENCE TO EXPEDITE THE TRANSITION FROM MILITARY LIFE TO A PROFESSIONAL CAREER IN NURSING, TO PROVIDE NECESSARY DEFINITIONS, TO REQUIRE A COLLABORATIVE EFFORT BY THE COMMISSION ON HIGHER EDUCATION, STATE BOARD OF NURSING, BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND DIVISION OF VETERANS' AFFAIRS TO IDENTIFY GAPS BETWEEN RELEVANT MILITARY EDUCATION AND TRAINING AND ACADEMIC REQUIREMENTS FOR UNDERGRADUATE NURSING EDUCATION PROGRAMS AND DEGREES APPROVED BY THE STATE BOARD OF NURSING AND LICENSURE BY THE

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BOARD, AND TO APPROVE CURRICULUM TO ENABLE MILITARY VETERANS TO APPLY SUCH EDUCATION AND TRAINING TOWARD REQUIREMENTS FOR AN ASSOCIATE'S DEGREE IN NURSING OR A BACHELOR'S DEGREE IN NURSING AND LICENSURE AS A LICENSED PRACTICAL NURSE OR REGISTERED NURSE, AMONG OTHER THINGS.

On motion of Senator HEMBREE, with unanimous consent, the Bill was recalled from the Committee on Medical Affairs and committed to the Committee on Education.

RECALLED

H. 5040 -- Reps. Garvin, Rutherford, Bales, Ballentine, Bernstein, Brawley, Finlay, Hart, Howard, McDaniel, Rose and Thigpen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF LADY STREET AND MILLWOOD AVENUE IN THE CITY OF COLUMBIA "REVEREND BLAKELY N. SCOTT INTERSECTION" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS INTERSECTION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1171 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE TOWN OF WEST UNION UPON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY AND TO CELEBRATE THE TOWN FOR ITS DEDICATED SERVICE TO ITS CITIZENS AND FOR ITS SIGNIFICANT CONTRIBUTIONS TO THIS STATE.

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The Senate Resolution was adopted.

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S. 1172 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE FOOTHILLS DANCE CONSERVATORY UPON THE OCCASION OF ITS TWENTIETH REUNION AND TO COMMEND THE CONSERVATORY FOR ITS MANY YEARS OF DEDICATED SERVICE TO ITS COMMUNITY.

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The Senate Resolution was adopted.

S. 1173 -- Senators McElveen, Malloy, Sheheen, Rice, Davis, Johnson and Senn: A BILL TO AMEND ARTICLE 1, CHAPTER 27, TITLE 58 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS FOR ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES, BY ADDING SECTION 58-27-260, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL CHARGE A SURCHARGE OF THIRTY DOLLARS PER TON ON ANY COAL COMBUSTION RESIDUALS TRANSFERRED TO A LANDFILL IN A COUNTY WITH A POPULATION OF LESS THAN NINETEEN THOUSAND FIVE HUNDRED, AND TO PROVIDE FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THIS SURCHARGE.

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Senators McELVEEN and MALLOY spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 1174 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, RELATING TO PARKING AND TRAFFIC REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4933, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1175 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO DETERMINATION OF RATES OF TUITION AND FEES, DESIGNATED AS REGULATION

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DOCUMENT NUMBER 4913, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1176 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4936, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1177 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LICENSING CRITERIA, DESIGNATED AS REGULATION DOCUMENT NUMBER 4935, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

REPORTS OF STANDING COMMITTEES

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 753 -- Senator Gambrell: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

Ordered for consideration tomorrow.

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Senator VERDIN from the Committee on Medical Affairs polled out S. 873 favorable:

S. 873 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE MAY 12, 2020, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS DAY" AND THE MONTH OF MAY, ANNUALLY, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO HELP SPREAD AWARENESS OF THE DISEASE AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS LIVING WITH MYALGIC ENCEPHALOMYELITIS.

**Poll of the Medical Affairs Committee
Polled 17; Ayes 17; Nays 0**

AYES

Verdin	Peeler	Jackson
Hutto	Martin	Nicholson
Scott	Alexander	Davis
Johnson	Campbell	Corbin
Kimpson	Margie Matthews	Gambrell
Senn	Cash	

Total--17

NAYS

Total--0

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO

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AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

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;

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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".

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

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.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

Motion Under Rule 26B

Senator GROOMS asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

THURSDAY, MARCH 12, 2020

**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. 481 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE DIVISION OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS AND PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE "SOUTH CAROLINA FIRE ACADEMY", TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE

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AND LIFE SAFETY ALSO MAY ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

CARRIED OVER

S. 461 -- Senators Sheheen, Gambrell, Alexander, Cash and Senn: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

On motion of Senator MASSEY, the Bill was carried over.

AMENDED, READ THE SECOND TIME

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

The Senate proceeded to the consideration of the Bill.

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Senator CASH proposed the following amendment (3200R001.SP.RJC), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 27 and inserting:

/create an undue hardship on the operations of the employer. Nothing in this section shall be construed to require an employer to build a room for the primary purpose of expressing breast milk. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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AMENDMENT PROPOSED, CARRIED OVER

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.

The Senate proceeded to the consideration of the Bill.

Senator FANNING proposed the following amendment (3596R001.SP.MWF):

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 12-43-220(d)(4) of the 1976 Code is amended to read:

“(4)(A) Except as provided pursuant to Section 12-43-222, when real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, as evidenced by an action taken by the owner of the real property which is inconsistent with agricultural use, it is subject to additional taxes, ~~hereinafter~~ referred to as ~~roll-back~~ rollback taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized ~~hereunder~~ pursuant to this item and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed as ~~herein~~ provided in this item. If in the tax year in which a change in use of the real property occurs, the real property was not valued, assessed, and taxed under this article, then the real property is subject to ~~roll-back~~

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rollback taxes for each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed ~~hereunder pursuant to this item~~. In determining the amounts of the ~~roll-back~~ rollback taxes chargeable on real property which has undergone a change in use, the assessor ~~shall~~ for ~~each of the roll-back~~ rollback tax years involved shall ascertain:

(A)(i) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

(B)(ii) the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

(C)(iii) the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under (B)(ii) of this section;

(D)(iv) the amount of the ~~roll-back~~ rollback for that tax year by multiplying the amount of the additional assessment determined under (C)(iii) of this section by the property tax rate of the taxing district applicable for that tax year.

(B) For a taxpayer applying real property to a use other than agriculture pursuant to this section, the discounted value allowed pursuant to Section 12-43-225(A) may only apply for three property tax years. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator DAVIS spoke on the amendment.

On motion of Senator DAVIS, the Bill was carried over.

AMENDED, READ THE SECOND TIME

S. 1041 -- Senator Climer: A BILL TO AMEND SECTION 39-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO ADD THE DEFINITION OF "LATE FEE"; TO AMEND SECTION 39-20-30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION

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39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN proposed the following amendment (1041R004.SP.GEC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 21-24 and inserting:

/any other commercially reasonable manner. The manner of advertisement is considered commercially reasonable if it meets the notice requirements provided in Section 36-1-202. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

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NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 1068 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

On motion of Senator McELVEEN, the Bill was carried over.

READ THE SECOND TIME

S. 977 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUMES 11A AND 20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2020.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott

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Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

POINT OF ORDER

S. 891 -- Senator Shealy: A BILL TO AMEND SECTION 61-4-90(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF BEER OR WINE FOR UNDERAGE PERSON'S CONSUMPTION, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO AMEND SECTION 61-6-4070(A), RELATING TO THE TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO REPEAL SECTION 61-4-100, RELATING TO CRIMINAL CHARGES BROUGHT AGAINST BOTH A SELLER AND PURCHASER; AND TO REPEAL SECTION 61-6-4085, RELATING TO CHARGES AGAINST A SELLER AND MINOR PURCHASER.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 922 -- Senator Climer: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060,

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SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 987 -- Senator Hembree: A BILL TO AMEND SECTION 23-35-175, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCHARGE OF FIREWORKS AND CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "FIREWORKS PROHIBITED ZONE" TO INCLUDE ANY PUBLIC BEACH OR PUBLIC BEACH ACCESS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 1115 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED

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BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE'S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING

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CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220,

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RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTER 12 OF TITLE 34 RELATING TO COUNTY AND MULTI-COUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 1165 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO RENEWAL OF CREDENTIALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4920, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 1166 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4918, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 1167 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO E-FILING AND E-SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4879, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 12:20 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator M.B. MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Audrey Nugent Murray of Walterboro, S.C. Audrey was an entrepreneur in the beauty, real estate and tax service industries. She found great joy in serving as a Guardian ad Litem. Audrey was a member of Saint Jude's Church, Toastmasters and the Benevolent and Protective Order of Elks. She enjoyed shopping and traveling. Audrey was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Eugene "Gene" Vernon Black Jr. of Kingstree, S.C. Gene was a United Air Force veteran and was the owner of Black's Service Center for 57 years. He enjoyed bass fishing, working in his yard, spending time with his dog Precious and decorating for Christmas. Gene was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 12:23 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 13, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator HARPOOTLIAN.

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Angela Blackston Hamilton of Seneca, S.C. Angela was a retired Social Studies teacher with the Oconee County School District. Angela was a member of the Seneca Woman's Club, Seneca Garden Club and was a longtime member of Trinity Baptist Church where she sang in the choir. She enjoyed doing crossword puzzles, traveling and spending time with her family. Angela was a loving wife, devoted mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 11:05 A.M., on motion of Senator JACKSON, the Senate adjourned to meet next Tuesday, March 17, 2020, at 2:00 P.M.

* * *

Tuesday, March 17, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Judges 6:13

“If the Lord is with us, why then has all this happened to us?”

Let us pray. Dear Lord, in the midst of the coronavirus pandemic one might ask, “Why is this happening?” But the answer is as elusive as the problem of suffering -- we just don’t know. But rather than focusing on fear and “why me”, maybe we should see this pandemic as a wake-up call -- not just for us, but for our country and indeed the entire world. Is this a time to ask the really important questions like: What is my purpose in life? What is the purpose of being a parent? What part does my faith play in my attitude towards my daily actions?

Can this pause of social distancing be an opportunity to write a personal letter of appreciation to a parent, a grandparent, a child or a sick friend? Could this be a time to deal with anger and do away with the our contempt for others that divides people, political parties and countries? Can this be a time of prayer, a time of forgiveness and a time of healing the very fabric of our society? This is our prayer to You O Lord, but what is our response? Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4957

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-112-100

SUBJECT: South Carolina Teachers Loan Program

Received by Lieutenant Governor March 16, 2020

Referred to Committee on Education

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REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4901

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-7-2320

SUBJECT: Licensure for Foster Care

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration May 13, 2020

Withdrawn and Resubmitted March 12, 2020

Leave of Absence

On motion of Senator FANNING, at 2:12 P.M., Senator McLEOD was granted a leave of absence for the day.

Leave of Absence

On motion of Senator SETZLER, at 2:17 P.M., Senator J. MATTHEWS was granted a leave of absence for the day.

Leave of Absence

On motion of Senator RICE, at 2:17 P.M., Senator CASH was granted a leave of absence for the day.

Leave of Absence

On motion of Senator NICHOLSON, at 2:18 P.M., Senator GAMBRELL was granted a leave of absence for the day.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:

S. 577 Sen. Peeler

OBJECTION

H. 4937 -- Reps. Fry, Rose, Hewitt, Kirby, Clary, W. Newton, Erickson, Clemmons and B. Newton: A BILL TO AMEND SECTION 33-57-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONS TO THE PROHIBITION ON LOTTERIES AND RAFFLES, SO AS TO CLARIFY THAT ELECTRONIC GAMING DEVICES ARE PROHIBITED; TO AMEND SECTION 33-57-110, RELATING TO DEFINITIONS, SO AS TO EXPAND THE DEFINITION OF A "NONPROFIT

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ORGANIZATION” TO INCLUDE AN ORGANIZATION RECOGNIZED AS TAX-EXEMPT UNDER INTERNAL REVENUE CODE SECTION 501(c)(5) AND TO DEFINE THE TERM “ELECTRONIC GAMING DEVICE”; TO AMEND SECTION 33-57-120, AS AMENDED, 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; TO AMEND SECTION 33-57-150, RELATING TO ALLOWABLE EXPENSES AND RECORDS FOR A RAFFLE, SO AS TO PROVIDE WHAT MUST BE CONTAINED IN THE REPORT TO THE SECRETARY, TO ALLOW FOR THE SUBMISSION OF ONE REPORT FOR A NONPROFIT ORGANIZATION WITH AFFILIATES OR SUBSIDIARIES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH CERTAIN RECORD KEEPING REQUIREMENTS; AND TO REPEAL SECTION 33-57-200 RELATING TO THE REPEAL OF CHAPTER 57, TITLE 33.

Senator CAMPSSEN asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry and recommit the Bill to the Committee on Judiciary.

Senator M.B. MATTHEWS objected.

REPORT OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

Ordered for consideration tomorrow.

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Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Senators were permitted to discuss the Bill prior to it being placed on the Calendar.

Senator DAVIS explained the Bill.
Senator SHEHEEN spoke on the Bill.
Senator CLIMER spoke on the Bill.
Senator GROOMS spoke on the Bill.
Senator MALLOY spoke on the Bill.

RECESS

At 4:27 P.M., on motion of Senator MALLOY, the Senate recessed from business not to exceed 2 minutes.

At 4:29 P.M., the Senate resumed.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

With unanimous consent, the Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (3411R001.KMM.HKL), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 11 - 37 and inserting:

/ TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

Be it enacted by the General Assembly of the State of South Carolina:

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SECTION 1. (A) If the 2020-2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020-2021 except as provided in subsection (B).

(B) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2020-2021, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2020-2021.

SECTION 2. Notwithstanding debt service appropriations in Act 91 of 2019 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020-2021, there is appropriated from the general fund of the State whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the Capital Reserve Fund. The General Reserve Fund is established in the amount required by law.

SECTION 3. This act is effective upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Bill was taken up for immediate consideration, the amendment from the Committee on Finance was adopted, and Bill was read a second time allowing further amendments pursuant to the provisions of Rule 26B.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

REPORT OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4014 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 10-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEASE OF DEVELOPMENT RIGHTS TO GEOTHERMAL RESOURCES, SO AS TO DESIGNATE THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL AS THE DESIGNATED AGENT IN SELECTING LANDS.

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to waive the provisions of Rule 26A requiring H. 4014 to be printed on the Calendar.

The Bill was ordered placed in the category of Statewide Second Reading Bills and would be taken up for immediate consideration.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME**

H. 4014 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 10-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEASE OF DEVELOPMENT RIGHTS TO GEOTHERMAL RESOURCES, SO AS TO DESIGNATE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AS THE DESIGNATED AGENT IN SELECTING LANDS.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (4014R004.KMM.HKL), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 11 - 38 and inserting:

/ TO MAKE SUPPLEMENTAL APPROPRIATIONS TO THE EXECUTIVE BUDGET OFFICE FOR THE BENEFIT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2019-2020 FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. From the Fiscal Year 2018-2019 Contingency Reserve Fund, there is appropriated \$45,000,000 to the Executive Budget Office for use by the Department of Health and Environmental Control for the coordination of the state's public health preparedness and response to the COVID-19 virus.

SECTION 2. The Executive Budget Office shall establish a COVID-19 Response account separate and distinct from all other accounts. The funds appropriated in SECTION 1 shall be credited to the COVID-19

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Response account. The Department of Health and Environmental Control shall request funds from the account to be expended only for those purposes necessary for the health, safety, and welfare of the public in response to the COVID-19 pandemic. The Executive Budget Office shall release funds from the account upon the Department of Health and Environmental Control's request only if the requested funds are necessary for the health, safety, and welfare of the public in response to the COVID-19 pandemic. Beginning on April 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds appropriated pursuant to this act. The report shall be transmitted to the Governor, the General Assembly, and made available on the department's website.

SECTION 3. Nothing in this act limits the Department of Health and Environmental Control from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state's response to COVID-19. Any unexpended funds appropriated pursuant to this act may be carried forward, without limitation, into the succeeding fiscal year and expended for the same purpose.

SECTION 4. This act takes effect upon approval by the Governor and the appropriations contained herein must be distributed immediately upon approval. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The amendment was adopted.

Senators SHEHEEN, ALEXANDER, BENNETT, SETZLER and MALLOY proposed the following amendment (4014R005.KMM.VAS), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTION to read:

/ SECTION __. For the period beginning March 19, 2020, and ending September 1, 2020, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the South Carolina 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. /

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Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senators SHEHEEN, MALLOY, BENNETT, and SETZLER proposed the following amendment (4014R007.KMM.VAS), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTION to read:

/ SECTION __. The Department of Health and Environmental Control is authorized to take action to reallocate supplies and employees to meet the demands of hospitals and other medical providers who receive Medicaid or other state funds that are located within specific areas of this State where COVID-19 infections are most concentrated, commonly referred to as hotspots. The provisions of this SECTION expire thirty days after an executive order issued by the Governor lifting a state of emergency related to COVID-19. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey

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<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 4014 -- Ordered to a Third Reading

On motion of Senator MASSEY, H. 4014 was ordered to receive a third reading on Wednesday, March 18, 2020.

Motion to Ratify Adopted

At 4:40 P.M., Senator MASSEY asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

Senator MASSEY moved that when the Senate adjourns today, it stand adjourned to meet Wednesday, March 18, 2020, and Thursday, March 19, 2020, at 11:00 A.M., under the provisions of Rule 1B.

The motion was adopted.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 4:40 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., pursuant to the provisions of Rule 1B.

* * *

Wednesday, March 18, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator CROMER. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

HOUSE BILLS RETURNED

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 4014 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO MAKE SUPPLEMENTAL APPROPRIATIONS TO THE EXECUTIVE BUDGET OFFICE FOR THE BENEFIT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2019-2020 FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS.

On motion of Senator MASSEY.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1178 -- Senator Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. ROSE WILDER, SUPERINTENDENT OF WILLIAMSBURG COUNTY SCHOOL DISTRICT, AND TO COMMEND HER PASSION FOR DOING WHAT IS BEST FOR EACH STUDENT AND FOR IMPACTING POSITIVE CHANGE WHEREVER SHE HAS SERVED.

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The Senate Resolution was adopted.

S. 1179 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO NAMED STORM AND WIND/HAIL DEDUCTIBLE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4878, PURSUANT TO THE

WEDNESDAY, MARCH 18, 2020

PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1180 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK CASHING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4934, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1181 -- Senator Loftis: A BILL TO AMEND SECTION 42-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESUMPTION THAT CERTAIN DISEASES SUSTAINED BY A FIREFIGHTER ARE OCCUPATIONAL DISEASES FOR THE PURPOSES OF WORKERS' COMPENSATION, SO AS TO PROVIDE CERTAIN ADDITIONAL MEDICAL CONDITIONS ALSO MUST BE PRESUMED TO BE OCCUPATIONAL DISEASES FOR THE PURPOSES OF WORKERS' COMPENSATION, TO DELETE A MINIMUM AGE FOR THE APPLICABILITY OF THIS SECTION, TO DELETE A REQUIREMENT THAT ELIGIBILITY FOR THIS PRESUMPTION BE CONDITIONED UPON THE MEDICAL CONDITION HAVING DEVELOPED WHILE THE FIREFIGHTER WAS ACTIVELY ENGAGED IN FIREFIGHTING OR WITHIN TWENTY-FOUR HOURS FROM THE LAST DATE HE ENGAGED IN FIREFIGHTING, TO PROVIDE THAT A PERSON IS CONSIDERED TO HAVE PASSED THE REQUISITE PHYSICAL EXAMINATION IF THE FIRE DEPARTMENT FAILS TO REQUIRE OR OBTAIN THIS EXAMINATION UPON HIS ENTRY OF SERVICE, TO PROVIDE A FIREFIGHTER WITH TEN YEARS OF SERVICE WHO SUSTAINS AN IMPAIRMENT OR INJURY CAUSED BY CANCER IS ENTITLED TO A REBUTTABLE PRESUMPTION THAT THIS IMPAIRMENT OR INJURY AROSE FROM AND IN THE COURSE OF HIS EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE THIS PRESUMPTION IS

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CONDITIONED UPON CERTAIN MEDICAL EXAMINATIONS AND REPORTING REQUIREMENTS, AND TO PROVIDE A PERSON IS CONSIDERED TO HAVE PASSED THE REQUISITE PHYSICAL EXAMINATION IF THE FIRE DEPARTMENT FAILS TO REQUIRE OR OBTAIN THIS EXAMINATION UPON HIS ENTRY OF SERVICE.

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Read the first time and referred to the Committee on Judiciary.

REPORT OF STANDING COMMITTEE

Senator SHEALY from the Committee on Family and Veterans' Services polled out H. 4724 favorable:

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.

Poll of the Family and Veterans' Services Committee
Polled 16; Ayes 15; Nays 0; Abstain 1; Not Voting 1

AYES

Shealy	Sheheen	Young
Johnson	McElveen	Turner
Climer	Fanning	McLeod
Talley	Cash	Gregory
<i>Margie Matthews</i>	Harpootlian	Loftis

Total--15

NAYS

Total--0

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ABSTAIN

Verdin

Total--1

NOT VOTING

Gambrell

Total--1

Ordered for consideration tomorrow.

ADJOURNMENT

At 11:07 A.M., on motion of Senator McLEOD, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Thursday, March 19, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1182 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA STATE GUARD UPON THE OCCASION OF ITS THREE HUNDRED FIFTIETH ANNIVERSARY AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE STATE GUARD TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF THIS GREAT STATE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1183 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE NEW HOPE UNITED METHODIST CHURCH UPON THE OCCASION OF ITS TWO HUNDRED TWENTY-FIFTH ANNIVERSARY, TO RECOGNIZE AND HONOR THE CHURCH FOR ITS DEEP HERITAGE IN THE POMARIA COMMUNITY, AND TO COMMEND ITS LEADERSHIP AND CONGREGATION FOR THEIR MANY YEARS OF SERVICE TO THIS COMMUNITY.

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The Senate Resolution was adopted.

S. 1184 -- Senator Shealy: A BILL TO AMEND CHAPTER 30, TITLE 40 OF THE 1976 CODE, RELATING TO THE MASSAGE/BODYWORK PRACTICE ACT, TO RENAME THE CHAPTER THE MASSAGE THERAPY PRACTICE ACT, TO PROVIDE THAT IT IS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE TO REGULATE THE PRACTICE OF MASSAGE THERAPY, TO PROVIDE THAT THE PROVISIONS OF

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THE MASSAGE THERAPY PRACTICE ACT CONTROL IF THERE IS A CONFLICT, TO CLARIFY THE COMPOSITION AND DUTIES OF THE BOARD OF MASSAGE THERAPY, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PUBLISH A ROSTER OF LICENSED MASSAGE THERAPISTS AND ESTABLISHMENTS, TO PROVIDE FOR LICENSURE FEES, TO REMOVE THE REQUIREMENT FOR AN ANNUAL REPORT ON THE ADMINISTRATION OF THE MASSAGE THERAPY PRACTICE ACT BY THE DEPARTMENT, TO PROVIDE FOR EXEMPTIONS TO THE MASSAGE THERAPY PRACTICE ACT, TO PROVIDE CERTAIN REQUIREMENTS FOR THE TEMPORARY PRACTICE OF MASSAGE THERAPY, TO PROVIDE THAT NO PERSON MAY PRACTICE OR OFFER TO PRACTICE MASSAGE THERAPY WITHOUT A LICENSE, TO PROVIDE THAT NO PERSON OR ENTITY MAY OPEN, OPERATE, MAINTAIN, USE, OR ADVERTISE AS A MASSAGE THERAPY ESTABLISHMENT OR A SOLE PRACTITIONER ESTABLISHMENT WITHOUT OBTAINING A LICENSE, TO PROVIDE PENALTIES, TO CLARIFY LICENSURE REQUIREMENTS FOR A MASSAGE THERAPIST LICENSE, TO PROVIDE LICENSURE REQUIREMENTS FOR A MASSAGE THERAPY ESTABLISHMENT AND SOLE PRACTITIONER ESTABLISHMENT, TO PROVIDE THAT THE BOARD MAY GRANT A LICENSE BY ENDORSEMENT TO A MASSAGE THERAPIST WHO HOLDS AN ACTIVE MASSAGE THERAPIST LICENSE AND IS IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANY OTHER UNITED STATES TERRITORY, TO CLARIFY REQUIREMENTS RELATED TO APPLYING FOR AND OBTAINING A LICENSE, TO PROVIDE THAT THE DEPARTMENT MAY MAKE PERIODIC INSPECTIONS OF ALL MASSAGE THERAPY ESTABLISHMENTS AND ALL SOLE PRACTITIONER ESTABLISHMENTS DURING BUSINESS HOURS WITHOUT PRIOR NOTICE, TO PROVIDE PENALTIES FOR FAILING TO COOPERATE WITH THE DEPARTMENT DURING AN INSPECTION, TO PROVIDE THAT CERTAIN REQUIREMENTS RELATING TO LICENSES SHALL BE COMPLETED BIENNIALY, TO PROVIDE THAT RENEWAL OF LICENSES SHALL BE COMPLETED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT CONTINUING EDUCATION REPORTS ARE SUBJECT TO AUDITS, TO CLARIFY CERTAIN REQUIREMENTS RELATED TO LAPSED LICENSES,

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TO PROVIDE THAT A LICENSEE MAY PROVIDE A WRITTEN REQUEST TO THE BOARD TO PLACE A LICENSE IN INACTIVE STATUS, TO PROVIDE THAT A LICENSEE MUST BIENNIALY RENEW HIS LICENSE TO REMAIN IN INACTIVE STATUS, TO PROVIDE THAT A LICENSE MAY BE REACTIVATED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT INACTIVE STATUS DOES NOT STAY ANY DISCIPLINARY ACTIONS FOR VIOLATIONS THAT OCCURRED DURING THE COURSE OF AN ACTIVE LICENSE, TO CLARIFY REGULATIONS THAT SHALL BE PROMULGATED BY THE BOARD, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND VIOLATIONS, TO PROVIDE THAT THE PRESIDING OFFICER OF THE BOARD MAY ADMINISTER OATHS, TO PROVIDE THAT A PERSON AGGRIEVED BY A FINAL ACTION OF THE BOARD MAY SEEK AN APPEAL OF THE DECISION, TO PROVIDE THAT SERVICE OF A NOTICE OF AN APPEAL DOES NOT STAY THE BOARD'S OR THE DEPARTMENT'S DECISION PENDING COMPLETION OF THE APPELLATE PROCESS, TO CLARIFY GROUNDS FOR DENYING A LICENSE, TO CLARIFY THE INVESTIGATION PROCESS AND CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE THAT AN INDIVIDUAL OR ESTABLISHMENT THAT VOLUNTARILY SURRENDERS A LICENSE MAY NOT PRACTICE AS A MASSAGE THERAPIST OR OPERATE AS A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT UNTIL THE BOARD REINSTATES THE LICENSE, TO PROVIDE THAT SERVICE OF NOTICE MAY BE MADE BY LEAVING A COPY OF THE NOTICE WITH THE DIRECTOR OF THE DEPARTMENT OR HIS DESIGNEE IF AN INDIVIDUAL CANNOT BE FOUND AT HIS USUAL ABODE OR PLACE OF BUSINESS, TO PROVIDE THAT COSTS AND FINES IMPOSED ARE DUE AND PAYABLE AS REQUIRED BY THE BOARD, TO PROVIDE THAT A LICENSEE FOUND IN VIOLATION OF THE MASSAGE THERAPY PRACTICE ACT OR RELATED REGULATIONS MAY BE REQUIRED TO PAY COSTS ASSOCIATED WITH THE INVESTIGATION OF HIS CASE, TO MAKE CONFORMING CHANGES, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Medical Affairs.

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RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 19, 2020, at 2:27 P.M. and the following Acts were ratified:

(R119, S. 16) -- Senators Rankin and Cash: AN ACT TO AMEND SECTION 40-43-86, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, SO AS TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A FOURTEEN-DAY SUPPLY, TO PROVIDE RELATED LABELING REQUIREMENTS, AND TO PROVIDE EXCEPTIONS TO ACCOMMODATE CERTAIN PACKAGING CONSTRAINTS.
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(R120, S. 474) -- Senator Campsen: AN ACT TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, SO AS TO PROVIDE A CATCH LIMIT FOR SPADEFISH; AND TO AMEND SECTION 50-5-1710, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, SO AS TO PROVIDE A MINIMUM SIZE LIMIT FOR SPADEFISH.
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(R121, S. 475) -- Senator Campsen: AN ACT TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, SO AS TO PROVIDE A CATCH LIMIT FOR TRIPLETAIL; AND TO AMEND SECTION 50-5-1710, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, SO AS TO PROVIDE A MINIMUM SIZE LIMIT FOR TRIPLETAIL.
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(R122, S. 525) -- Senators Grooms, Reese, Massey, J. Matthews, Gambrell, Goldfinch, Setzler, Gregory, Harpootlian, Sheheen, Alexander, Verdin, Talley, Campsen, Campbell, Hutto, Young, Turner, Cromer, Corbin, Davis, Climer, Johnson, Kimpson, McElveen, McLeod,

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Sabb, Williams, Leatherman, Malloy, Fanning, Hembree and Rankin:
AN ACT TO AMEND SECTION 44-2-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF ACCRUED INTEREST IN THE SUPERB ACCOUNT AND THE SUPERB FINANCIAL RESPONSIBILITY FUND, SO AS TO REPEAL THE ABOLITION OF THE ENVIRONMENTAL IMPACT FEE.

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(R123, S. 580) -- Senator Gambrell: AN ACT TO AMEND CHAPTER 29 OF TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

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(R124, S. 919) -- Senator M.B. Matthews: AN ACT TO AMEND SECTION 7-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO ADD THE NEW RIVER,

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PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

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(R125, S. 920) -- Senator M.B. Matthews: AN ACT TO AMEND SECTION 7-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD TWO 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.

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(R126, S. 1003) -- Senator Verdin: AN ACT TO AMEND SECTION 7-7-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO ELIMINATE THE BREWERTON AND PRINCETON VOTING PRECINCTS, TO ESTABLISH THE BREWERTON-PRINCETON VOTING PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES AND BOUNDARIES OF THE LAURENS COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R127, H. 3357) -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

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THURSDAY, MARCH 19, 2020

(R128, H. 3695) -- Reps. Calhoon, Huggins, Taylor, Allison, Ballentine, Forrest, Matthews, Spires, Toole, Wooten, Hill and Jones: AN ACT TO AMEND SECTION 12-37-2680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSED VALUE OF A VEHICLE, SO AS TO REQUIRE THAT THE VALUE GUIDES INCLUDE ADJUSTMENTS FOR HIGH MILEAGE AND TO PROVIDE THAT IF HIGH MILEAGE DATA IS NOT AVAILABLE FOR MOTORCYCLES AND MOTORCYCLE THREE-WHEEL VEHICLES, THE ADJUSTMENT FOR SUCH MOTORCYCLES SHALL EQUAL TWO-THIRDS OF THE ADJUSTMENT FOR OTHER MOTOR VEHICLES.

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(R129, H. 4014) -- Reps. Hixon, Tallon, Johnson and R. Williams: AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019-2020 TO THE EXECUTIVE BUDGET OFFICE FOR THE BENEFIT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS AND TO PROVIDE FOR OTHER MATTERS.

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(R130, H. 4246) -- Reps. Sandifer and Thayer: AN ACT TO AMEND ACT 60 OF 2017, RELATING TO CRIMINAL BACKGROUND CHECKS BY THE REAL ESTATE COMMISSION, SO AS TO CHANGE THE TIME EFFECTIVE DATE TO JULY 1, 2020, AND TO LIMIT APPLICABILITY OF THIS REVISED TIME EFFECTIVE DATE WITH RESPECT TO LICENSE RENEWALS.

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(R132, H. 4702) -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL

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THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE
WITH THE FOREIGN-TRADE ZONES ACT.
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(R134, H. 4811) -- Reps. Bailey, Hewitt, Hardee, Clemmons, Forrest, Hixon and Ligon: AN ACT TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.
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(R135, H. 4944) -- Reps. Tallon, Allison, Chumley, Forrester, Henderson-Myers, Hyde, Long and Magnuson: AN ACT TO AMEND SECTION 7-7-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD TWO PRECINCTS, TO ELIMINATE TWO 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.
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ADJOURNMENT

At 2:28 P.M., on motion of the PRESIDENT, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

Friday, March 20, 2020
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator JACKSON.

ADJOURNMENT

At 11:04 A.M., on motion of Senator CROMER, the Senate adjourned to meet at the call of the PRESIDENT under the provisions of Rule 1C.

* * *

Wednesday, April 8, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 46:1-2

“God is our refuge and strength, always ready to help in times of trouble. So we will not fear when earthquakes come and the mountains crumble into the sea.”

Let us pray. Almighty and loving God, we remember the words of Benjamin Black Elk of the Sioux people in South Dakota who recently asked his good friend Wendell, “How often do you pray?” Wendell replied, “two to three times a day.” “That’s not enough,” Benjamin said, “You should be in constant prayer all day with God.”

Lord, in these difficult days of the COVID -19 pandemic, we pray that we will open our hearts to constant conversational prayer with You for all Your people. In this way we will draw closer to You Lord and discover what Benjamin’s father missionary Nicholas Black Elk meant when he said, “The seeing is sacred through the eye of the heart.”

In the weeks ahead, may we see through “the eye of the heart” as we constantly pray for all Your children both here and beyond our borders. We offer this prayer through You O Lord, our refuge and our strength, 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:

Local Appointments

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

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Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jean K. McCormick, 7 Sunset Bluff, Beaufort, SC 29907-1453 *VICE*
Mark Francis Fitzgibbons

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Dukes Beck, 1562 Inverness Dr., Charleston, SC 29412-2617
VICE Priscilla B. Baldwin

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

John S. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528 *VICE*
Rob Chumley

COMMUNICATION FROM THE CLERK

Due to the COVID-19 pandemic, the PRESIDENT invoked the authority of Rule 1C to adjourn the sessions on March 24, 25, 26, and 31, as well as April 1, 2, and 7. Rule 1C reads, "The President, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the Senate, may declare the body adjourned to some other time. Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and acts of God."

Leave of Absence

On motion of Senator ALEXANDER, at 1:14 P.M., Senator LEATHERMAN was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 1:14 P.M., Senator McLEOD was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 2:02 P.M., Senator KIMPSON was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 2:02 P.M., Senator M.B. MATTHEWS was granted a leave of absence for the day.

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Leave of Absence

On motion of Senator SHEHEEN, at 2:02 P.M., Senators JOHN MATTHEWS, HARPOOTLIAN, JACKSON and NICHOLSON were granted a leave of absence for the day.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1185 -- Senator Young: A SENATE RESOLUTION TO CONGRATULATE DR. JUDY BECK UPON HER INAUGURATION AS PRESIDENT OF THE ASSOCIATION OF TEACHER EDUCATORS AND TO COMMEND HER FOR HER DEDICATED SERVICE IN THE FIELD OF EDUCATION.

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The Senate Resolution was adopted.

S. 1186 -- Senator Gambrell: A SENATE RESOLUTION TO HONOR LEONARD CAMPBELL OF ANDERSON COUNTY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A VERY HAPPY BIRTHDAY.

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The Senate Resolution was adopted.

S. 1187 -- Senator Bennett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RANDY L. POTTS, CHIEF INFORMATION SECURITY OFFICER FOR A MULTINATIONAL ORGANIZATION, FOR HIS OUTSTANDING AND EXTENSIVE CONTRIBUTIONS TO THE BOY SCOUTS OF AMERICA AND TO CONGRATULATE HIM UPON RECEIVING THE PRESTIGIOUS 2020 SOUTHERN REGION BOY SCOUTS OF AMERICA ALUMNUS OF THE YEAR AWARD.

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The Senate Resolution was adopted.

S. 1188 -- Senators Kimpson, Senn and Hutto: A BILL TO AMEND ARTICLE 1, CHAPTER 75, TITLE 38 OF THE 1976 CODE, RELATING TO PROPERTY INSURANCE GENERALLY, BY ADDING SECTION 38-75-70, TO PROVIDE THAT EVERY POLICY OF INSURANCE IN FORCE IN THIS STATE INSURING AGAINST LOSS OR DAMAGE TO PROPERTY, NOTWITHSTANDING THE TERMS OF THE POLICY AND INCLUDING ANY

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ENDORSEMENT THERETO OR EXCLUSIONS TO COVERAGE INCLUDED THEREWITH, THAT INCLUDES A LOSS OF USE AND OCCUPANCY, OR BUSINESS INTERRUPTION, SHALL BE CONSTRUED TO INCLUDE, AMONG THE COVERED PERILS UNDER THE POLICY, COVERAGE FOR BUSINESS INTERRUPTION DIRECTLY OR INDIRECTLY RESULTING FROM THE GLOBAL PANDEMIC KNOWN AS COVID-19, INCLUDING ALL MUTATED FORMS OF THE COVID-19 VIRUS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1189 -- Senators Senn and Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE OAK ISLAND BRIDGE LOCATED ON FOLLY ROAD (SOUTH CAROLINA HIGHWAY 171) IN CHARLESTON COUNTY THE "FRANCIS EDWARD 'BUTCH' CLARK MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 1190 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 1191 -- Senator M. B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING

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ELECTION TO SUBMIT A STATEMENT OF CANDIDACY
RATHER THAN A SIGNED PETITION.

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Read the first time and ordered placed on the Local and Uncontested
Calendar.

S. 1192 -- Senators Sheheen, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JOHN C. "JACK" WEST, JR., CAMDEN ATTORNEY AND GOVERNMENTAL AFFAIRS SPECIALIST, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1193 -- Senators M. B. Matthews, Kimpson and Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME SPRING STREET IN CHARLESTON "JUDGE RICHARD E. FIELDS STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

ADOPTED

S. 1194 -- Senators Peeler and Malloy: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF

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REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET PRIOR TO MAY 14, 2020, OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), AND WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14, 2020, NOT LATER THAN 5:00 P.M., OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO FURTHER PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE AGAIN EACH HOUSE SHALL STAND IN RECESS TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, SEPTEMBER 15, 2020, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, SEPTEMBER 24, 2020, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO ADDITIONALLY PROVIDE THAT BETWEEN 5:01 P.M. ON THURSDAY, SEPTEMBER 24, 2020, AND 11:59 P.M. ON SUNDAY, NOVEMBER 8, 2020, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND FINALLY TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2020, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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On motion of Senator MASSEY, with unanimous consent, the Resolution was taken up for immediate consideration.

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Senator MASSEY spoke on the Resolution.

The Concurrent Resolution was adopted, ordered sent to the House.

H. 5412 -- 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 CONGRATULATE THE THIRTY-SIX SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2020 ACADEMIC ALL-STATE TEAM BY PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

The Concurrent Resolution was adopted, ordered returned to the House.

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,

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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: 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".

The Concurrent Resolution was introduced and referred to the Committee on Education.

H. 5414 -- Reps. Thayer, Anderson, Allison, Burns, Bales, McCravy, Jefferson, Clyburn, Hewitt, Bailey, Chumley, Gilliard, Haddon, Elliott, B. Cox, Trantham, G. R. Smith, Robinson, Hardee, Bennett, Bryant, Calhoon, Caskey, W. Cox, Crawford, Daning, Dillard, Erickson, Forrest, Gagnon, Gilliam, Hill, Hiott, Hixon, Hosey, Huggins, Morgan, W. Newton, Norrell, Parks, Pope, Ridgeway, Rivers, Sandifer, Spires, Stringer, Taylor, Toole, West, Wheeler, White, Whitmire, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE NEED OF THE STATE OF SOUTH CAROLINA TO ADDRESS AND TAKE STEPS TO PROTECT ITS CHILDREN FROM THE PUBLIC HEALTH HAZARD OF INTERNET PORNOGRAPHY.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 5430 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE POINT WHERE IT CROSSES THE WATEREE RIVER "LIEUTENANT ULYSSES FLEMMING MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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H. 5431 -- Rep. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE EDISTO RIVER ALONG UNITED STATES HIGHWAY 17 IN COLLETON COUNTY "SENATOR PEDEN MCLEOD BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS BRIDGE CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

HOUSE CONCURRENCE

S. 1182 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA STATE GUARD UPON THE OCCASION OF ITS THREE HUNDRED FIFTIETH ANNIVERSARY AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE STATE GUARD TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF THIS GREAT STATE.

Returned with concurrence.

Received as information.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 8, 2020, at 2:20 P.M. and the following Acts were ratified:

(R136, H. 4439) -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS "ATOMIC VETERANS DAY" IN SOUTH CAROLINA.

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(R137, H. 4743) -- Reps. Fry and Hewitt: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

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**AMENDED, READ THE THIRD TIME
RETURNED TO HOUSE**

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: 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, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, H. 3411 was taken up for immediate consideration.

The Senate proceeded to a consideration of the Bill.

Amendment No. 1

Senator LEATHERMAN proposed the following amendment (3411R002.SP.HKL):

Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, the most solemn duty of each member of the General Assembly is to exercise his or her constitutional duty to annually provide for the recurring expenses of our state's government; and

Whereas, the public health emergency associated with the 2019 Novel Coronavirus ("COVID-19") has made satisfying that duty more difficult this year, nevertheless, the General Assembly will not fail in its duty to the residents of South Carolina; and

Whereas, given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus; and

Whereas, by enacting this legislation the General Assembly is ensuring that the functions of our state government will continue unabated during this challenging time so that we as a State can combat the spread and address the impact of COVID-19; and

Whereas, it is the intent of the General Assembly that the provisions of this act are temporary and that this act shall be replaced with a

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comprehensive general appropriations act when we reconvene. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

PART I

Continuing to Fund the Ordinary Expenses of State Government

SECTION 1. (A)(1) If the 2020-2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020-2021 except as provided in subsection (A)(2).

(2) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2020-2021, after which appropriations made pursuant to this joint resolution 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 until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020-2021, 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 primary, runoff, and general elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of a county election commission. 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.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 2. (A) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus ("COVID-19"). Funds so received shall be expended for COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

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(B) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

(C)(1) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant to subsection (B), shall be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account. Funds in the account may be expended only in response to the evolving public health emergency caused by COVID-19.

(2) Prior to the General Assembly reconvening pursuant to a Sine Die resolution, the Governor may direct the expenditure of funds from the account if the expenditure of those funds is (1) necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic and (2) in accordance with federal law. Prior to directing the expenditure of funds, the Governor must submit a plan for the use of the funds to the Joint Bond Review Committee. After review and comment by the Joint Bond Review Committee, the Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

(3) Beginning on May 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds in the Coronavirus Relief Fund. The report shall be transmitted to the Governor and the General Assembly, and made available on the Governor's website.

(D) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

SECTION 3. (A) From the Fiscal Year 2018-2019 Contingency Reserve Fund, there is appropriated \$200,000,000 to the Office of the State Treasurer. From the funds appropriated herein, the Treasurer shall

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credit \$20,000,000 to the Disaster Trust Fund to be used for disaster relief assistance for a federally declared disaster or a state of emergency declared by the Governor. The Treasurer shall establish a COVID-19 Response Reserve account which shall be separate and distinct from other accounts. From the funds appropriated herein, the Treasurer shall credit \$180,000,000 to the COVID-19 Response Reserve account.

(B)(1) The Governor may direct the expenditure of funds from the COVID-19 Response Reserve account for expenditures necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic. The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state's COVID-19 response, to include, but not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

(2) The Governor may also direct the expenditure of up to \$15,000,000 from the COVID-19 Response Reserve account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

(C) The Governor must submit to the Joint Bond Review Committee, for its review and comment, a plan for the use of the funds. The Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

SECTION 4. (A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID-19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting, including, but not limited to, those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59-155-160 of the South Carolina Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance

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learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59-1-425; and

(3) provide maximum programmatic and financial flexibility, including, but not limited to, the authority to carry forward any cash balances, to local school districts adjusting to operations in response to COVID-19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID-19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019-2020 level. Step increases are suspended until the annual general appropriations act for Fiscal Year 2020-2021 is enacted.

(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

SECTION 5. (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Title 8, Chapter 11, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional

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retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

(C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This information shall also be published on the division's website.

SECTION 6. In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SECTION 7. The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Title 2, Chapter 65 the "South Carolina Federal and Other Funds Oversight Act."

SECTION 8. The Comptroller General is directed to accrue into Fiscal Year 2019-20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.

SECTION 9. The increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2020-2021, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement

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Systems during Fiscal Year 2020-2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019-2020.

SECTION 10. (A) The provisions of Act 95 of 2019 are extended through Fiscal Year 2020-2021. The Public Service Authority ("Santee Cooper") may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper's status.

(B) Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to, contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) implementing an enhanced hedging strategy for natural gas and coal for a duration of one year or less as contained in the reform plan presented pursuant to Act 95;

(2) taking any other action necessary to protect the Santee Cooper's customers, provided that any action taken does not bind the Authority for more than one year;

(3) closing and decommissioning the Winyah Generating Station;

(4) freeze rates as provided in the settlement of *Cook v. Santee Cooper, et al.*; and

(5) taking other actions consistent with this section that are court ordered or required pursuant to *Cook v. Santee Cooper et al.*, provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B).

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58-31-360, including the State's covenant to not alter, limit, or restrict the Santee Cooper's power to fix, establish,

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maintain, and collect rents, tolls, rates, and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper's expenses, the conservation, maintenance, and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness, or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness, or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through Fiscal Year 2020-2021 or until an act of the General Assembly expressly supersedes this provision.

SECTION 11. On June 30, 2020, the following provisos contained in Act 91 of 2019, the General Appropriations Act for Fiscal Year 2019-2020 are deleted:

- 112.1. (DS: Excess Debt Service);
- 117.112. (GP: Employee Compensation)
- 118.16. (SR: Nonrecurring Revenue)
- 117.155. (GP: Higher Education Tuition Mitigation)

PART III

Miscellaneous Provisions

SECTION 12. Any provisions contained in Act 91 of 2019 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

SECTION 13. 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 14. The provisions in this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

Senator GROOMS spoke on the amendment.

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Point of Order

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MASSEY spoke on the Point of Order.

Senator MALLOY spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

Senator RANKIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Appeal of the Ruling by the PRESIDENT

Senator GROOMS appealed the Ruling by the PRESIDENT.

On motion of Senator GROOMS, with unanimous consent, the appeal was withdrawn.

Motion Adopted

Senator GROOMS asked unanimous consent to proceed to Amendment No. 5.

There was no objection.

Amendment No. 5

Senator GROOMS proposed the following amendment (3411R004.SP.LKG), which was tabled:

Amend the bill, as and if amended, by striking SECTION 10 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

Senator MASSEY spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator RANKIN spoke on the amendment.

Remarks by Senator RANKIN

I do not stand here to delay, belabor, shield for, protect or do anything for anybody -- Santee Cooper or anyone else, except to stand here and tell you how I think you are being asked to join in a party that was hatched without leadership's involvement. And this party -- the invitation list kind of changed. You all were not invited to this party. You didn't hear anything about what's going to go on at the party when

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we last gathered here, and we huddled with Senator LEATHERMAN in the corner and right up here. The party is not the same today as when we were told we have to do this because trouble with a capitol 'T' is coming.

And so, trouble is here folks but what happened between then and now? We didn't do this, and we're going to talk about these private messages, these private conversations. We didn't do this. No one person in this Senate to my knowledge, based on private conversations, ever offered this language. Not one. We had a conversation last Wednesday. I got to join the party! It was a party line. I got to be invited and I was assured, and I daresay there's not anyone who now would tell me differently that you haven't already said clearly, we will live to fight another day. Who said that? Jay Lucas. We will fight another day. We recognize we don't want to be up here, we don't want to be talking about this. We want to push this off. Yes, we've invested time. Yes, we've invested \$15 million. This is not the time to do it.

I said in that conversation "Thank you" because we don't have the time. We don't need to be here talking about a subject that is a fly on the backside of a pig in scope to what we're really here for. So I take that conversation and I say to them, "Folks remember that if they need your help, if Santee Cooper, your state agency, like 'em or not, if they need to take advantage of even more exigent circumstances with the downturn in this economy, please be receptive. Don't stranglehold them. Let them do what they are charged by us to do: generate reliable, sustainable and affordable power."

Like it or not folks, we didn't put them in business, but our forefathers did. I made that plea. Murrell Smith said, "I want to keep reforming, I don't want to give this up." Again, correct me if I'm wrong -- witnesses to these conversations. I'm working on a reform package. I think we will all be able to embrace this. It may not be like I want, it may not be exactly like Senator MASSEY wants, but we will get beyond this fight and this continued tilting of the scales to punish a state agency that we put in power long ago.

We will get beyond this fight and this continued tilting of the scales to punish a state agency that we put in power long time ago to keep delivering affordable, dependable rates and power to this State. And we'll move beyond this idea, this infatuation, this quest, this lie. Perhaps it's a lie. Perhaps we're stringing along the would be buyer who is flooding this State with money to get its way. I may be a beneficiary of the largess of this buyer, Next Era.

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But my curiosity folks is in spite of this conversation on Wednesday. I hear not one peep from leadership telling me "Rankin, it's a little different than what you heard. We've got this language. We're gonna leave it alone, that's what we said, but we've got some language." So, folks involved with this state agency are rightly concerned when they get this language. They realize that they have entered into an agreement with the co-ops all eyes wide open going into this thing knowing that in order to achieve the terms of the settlement what do they have to do? They have to do what the entire class action was about in the first place. Operate more efficiently. Save money.

They all agreed to do that. And so that's the intent. We're going to do better by who? The ratepayer. Better than they've already done. And I'm not defending the Santee Cooper that drove us into the ditch. I'm not defending Lonnie Carter. I'm not defending O.L. Thompson. I'm not defending the predecessors to this executive management team hired from Arizona that has come in and cut the budget and paid down the debt.

These aren't people that I know so I've got no gain in speaking for them except to say that they're doing the job that the predecessors didn't. Because why? Because the board finally decided to ignore the politics up here, not hire their buddy, not appoint this buddy as a board member or a chairman, not let this little clique operate. As you all heard Dan Wray said five people in Santee Cooper knew what was going on. Five people! Was that their problem or is that ours? Did we equip a board to do a horrible job before?

You all remember in '05 when we changed the law because Governor Sanford and his then political appointees wanted to run up to NY -- chum up with Credit Suisse. To do what? Investigate selling Santee Cooper. What did we do? With Mr. Cowick, the General Counsel to the then Judiciary Committee Chairman, what did we do? With his leadership, and I'm not maligning him; we wrote a Bill that said what the best business practice business judgement of a fiduciary duty-bound board member should be. What did we do?

That was 2005. Let's go forward. They ran the train in the ditch. And why did they do that? Perhaps because they didn't do their due diligence. They didn't ask hard questions and perhaps despite of this letter saying I gave you notice. Perhaps all at the table then weren't as concerned about the direction we were going in. Perhaps because all at the table joined in us doing this nuclear deal. And we did. Everyone at the table then unanimously, save one in this Body right now who voted against the Base Reload Review Act, that being Senator CAMPSSEN.

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Every one of us, with the encouragement of who? All customer classes, co-ops included, joined in. We flew to Washington. I had never flown in the State plane before. Duke Scott, all of us on that PURC Committee fly to Washington to hear what? This is in our best interest. We are going nuclear. We're all in this together.

So, fast forward again. Senator FANNING that lead balloon crashed like a thud. And you in your county are left with the vestiges of failed decisions that we want to wrap around a board, that we want to stick our hands out and act as if we had no idea that they were doing it. We want now no part of the responsibility of that failed decision. But folks it was our decision!

So, fast forward again. All this litigation, all these hearings, all this good effort on our part to drill down to why, what, when, how, to get to the root of the failure -- Act 95. We have got a work in progress. Some argue that it's over, either now with the Finance Committee rejection of all three of the tasks it was asked to decide: reform, sell or management. Either it's over now or not. House likewise argues over there. You hear their testimony at their hearings. It's over. And so today you hear that it's over if you don't do something right now because they're going to run off into the rogue board behavior and run this thing even further in the ditch by entering into long-term contracts. Oh my gosh, heaven forbid.

So, my question is, in these private meetings, these conversations starting Monday and Tuesday and today folks, who are we fighting here for? What is the rub that has changed this party from the last time we were here? And unfortunately for some, perhaps all of you right now listening to me -- we should have given that Bill third reading and been done with it because the House wanted language in there then that Senator LEATHERMAN wanted then. We wouldn't be back here now would we? Perhaps we would for further relief that's included in the other sections of this.

But the party and the table changed. So, I'm asking somebody please tell me, is it because we are afraid that the Santee Cooper board and its chairman and its directors, who, I'm sorry, but everybody vetted in recommending to the appointment. Certain people in industry had a hand in recommending to a Governor or two. They like this person, they like that person and they recommended to the Governor to recommend to us, to PURC, to vet these people and to put them under oath to determine whether they were qualified. We are worried now that they're going to be so independent and that they're going to be so mindful and follow whatever the bright star, the pillar of flame, and do

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what the law charges them to do, and that being their fiduciary duty. We're afraid they're going to do something that's going to do what? Hamstring our ability to punish them more or impair their ability to do what, save Horry County and every other direct serve county and every other co-op area in this State to save their customers' money -- short term contracts. Again, if we do this today, we will prohibit ourselves from ever reforming them. So, my question for my friend from Edgefield is, whose reform are we looking to? What is this bright star we are trying to achieve here?

No question but the Governor is doing a wonderful job. We don't have a playbook for this situation we are dealing with right now. But for sure this playbook that we're all dealing with does not include a small state agency. But the Governor has made clear -- sell it -- before we even started talking about it, before the first hearing -- Sell it. What did the Speaker of the House say in an op-ed piece? Sell it. Whose reform folks are we about that we're afraid we're going to lose today, if you don't act, we're going to lose this opportunity. Whose reform is it? Is it reform that is going to do anything to help your co-op member, that employee, in their heart of hearts they are worried about their rates going up. They're worried that they're going to have to pay more if this settlement is blown up. Because who ultimately pays by the shenanigans that we're about now? Anybody in a direct serve area, anybody that's a co-op member. And if I haven't heard it enough, the Policy Council's quote of \$6,200 for one group and \$4,200 for another group. Over time that is what you're going to pay.

Folks, if you don't settle Cook that's exactly what's at risk. And you don't settle Cook by adopting a CR with language that has nothing to do with a pandemic. But it takes one more shot at a rogue board to do what -- either to string somebody along, string us along, keep us in the game. Keep Next Era at the table maybe. They might get a little bite of this apple yet. Maybe another buyer is out there. Or, let's get a new director. Let's get a new CEO. This guy has done such a good job; let's sack him. I don't know what altar we are worshiping at except the foolish and folly.

I will suggest to you this point made offline a moment ago. Well, two in fact. This idea of conversations with three people. And not directed at me perhaps but by association that I said, we said, no to limiting, Senator from Aiken, your exchange saying no for a one year or no to taking sale out? I don't remember that. And I'm thick, slow, a C-student at my best, that might have been broached by Senator MASSEY. I've not heard that. Now, there was a conference call last night at 6:30 or

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7:00 and I couldn't participate. It might have been broached then. But the point perhaps made by inference that we, those who were defending, or as one of my friends in the House called me, the apologist for Santee Cooper, that we rejected that out of hand. Folks, if that's an offer made last night or this morning, why didn't they even talk about that last Wednesday on the phone call with me? Why weren't we totally in the loop as to what the reindeer games were? Why didn't we get, "hey, let's work this out, hey, here's some language, let's work this out." You didn't get this CR until when, folks? Two days ago, Monday I think, or I didn't get it until then.

Now, in this call last Wednesday -- I also want to make another point. What is really important in here and you read the preamble and you look at the language, and Senator ALEXANDER did a great job explaining the contents of this. One of the key things we are talking about here, and Senator HUTTO asked about it, is elections. We have got a primary and we have got a general election. Now we as a State have thus far said we don't need to move the dates. But Senator CAMPSSEN in his efforts in this regard introduced S. 867, a Bill that flowed through here like milk and honey. We sent it to the House. It sits right now in their Judiciary Committee. What would this Bill do? It allows the early counting of absentee ballots -- not to tally the votes, but on a Saturday or Friday before the election, it would allow election commissions to count these ballots, opening only the first envelope and not the second. To get a jump on what we anticipate and what Senator CAMPSSEN feared would be a flood of absentee ballots. We passed it -- boom. It is out of here, it's in the House Committee.

So, in our conversation last Wednesday, and correct me if I'm wrong, but I broached the subject to the House. There's a Bill in your Committee. There is great concern by Marci Andino that we are going to be in a large crunch with the elections. So, in that conversation I broached the subject. We need to get that out as there is some concern that those absentee ballots are going to be large in number and with the perhaps even more limited possibly limited number of staff, volunteers and poll workers. I think this is important. I think we need to do this. Again, I had a conversation with Senator CAMPSSEN right before that phone call to make sure I got the details right. What's the response to that? We can't pull that out of committee. We've got problems over there -- one House member -- we can't poll it out because we can't have unanimous consent. Representative Jonathon Hill will hold this up. So, what is this Continuing Resolution really about? If it's not about elections, they tell me last Wednesday, why are we even including that

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language, why do we have a section dedicated there, because maybe elections are important, or they aren't important? I don't know, but we can't do the herculean task to pull something out and give it second and third reading and pass it to allow our election commissions more accommodation in light of where we are right now. Can't do it.

Now folks, again, if this is not of our hand, if this is not our language except for the explanation that if we don't do something they are going to run amuck even further; if it's not of our hands, why am I even up here talking? Why are we having a cram down from the House, who doesn't have the courtesy to tell me on the phone last Wednesday, until a call yesterday from my good friend, co-chairman of JMSC, whatever they were intending to do here. Why didn't they tell us that? I'm glad we didn't appeal the Rule of the Chair. While I don't agree with it, it's the Rule of the Chair and we don't need to waste time on an appeal.

What we have before us is something that spoke to what the House spoke to me about. That is the key ingredients of what we have to do. "Get out of here! Shut up, Luke. Do the important work and get out of here." And what I see is an overreach perhaps by somebody. And again, who it is I don't know. But if it is not one of us in this Body, then why are we going to reward the House for playing footsie with somebody that's not even in this room? Why are we going to reward and take a cram down last minute or in the stealth of the night deal to run in and grab while you can? I cannot help but invoke what I've just recently heard and I'm sure I will misstate it. Rhame Emmanuel is quoted as saying, "Never miss a good crisis." When do we hear that? No offense, but everybody perhaps takes their turn at it. That's what the Republicans said of Speaker Pelosi and Chuck Schumer, that they invoke these words in their attempt to throw stuff in that perhaps none of us would think would be pandemic, lifeblood of an economy, the lifeblood of health care, the lifeblood of first responders for all these things that Senator ALEXANDER's explanation touches on. Why would we not think any differently than that grab that comes to do what?

So, I'm up here to tell you this is about as odd and offensive a move, but it's politics, and so I lose. Its politics. It is an affront to this Senate I would suggest to you, but let me tack a little nicer before I sit down, before I get hammered by the mallet that is soon going to be thrust my way.

I made this point earlier, and my apologies for whoever heard the exchange over here. My language was fine, but my energy level is high because I think it is a misrepresentation to this Body to suggest that if I give it my best effort, I am going to be thwarted from real reform and

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that I'm not going to be able to do what we have been tasked to do and are doing right now. We have hired an expert, a Boston University Professor named Mark Williams. He is an S&P special advisor, credentialed to tell us what's going to happen when we alter these rates, what going to happen in the rate-making context. We're talking about losing the independence of this group. Board governance is what we are about.

So to suggest, Senator MALLOY, that we are not going to be able to do what we are charged to do, what your committee, the Judiciary Committee, is challenged and charged to do. Is it a sale now or not? We are going to do what we are charged to do. Senator MASSEY, you are on that committee as well. If it's not a sale, we're going to do what we're supposed to do. Just as the Finance Committee has voted, you on the Judiciary Committee are going to get to vote too, and you're going to have the chance to reform it. Not the way Next Era wants perhaps, not the way Central wants it, perhaps not the way Governor McMaster wants it, but the way you decide.

That's what my energy has been expended on. So, I want to call a slight time out to the pandemic-fueled push to do something that does nothing but punishes a quasi-state agency. No state dollars are going into it yet, the State is benefitting from it. I'm paying into the State every time I pay my monthly bill. But a quasi-agency that is being singled out to punish. I urge you to look at the real story here, look at the real story here, look at the real picture, and to call "bull" to the efforts to cram down your throats something that this board has entered into an agreement to do in its settlement, approved by the assigned retired Supreme Court Justice. Subject to contingencies, clearly. But I know the agreement. I know the agreement. So, when the folks from Santee Cooper tell us "this prevents us from carrying out our duties to pay, to cap rates, to freeze rates," maybe I'm dumb to believe them. But this board has a fiduciary duty not to you, not to the Governor, and maybe we change that to make it clear that it is to the State. But who are they acting now in the best interest of? The rate payer.

So, I stand up here for my direct serve customers. I stand up here for my co-ops. I had a call and a text from the head of my local co-op. I didn't get to talk to him. But folks, we need to move beyond this. We as a State don't need to be captured any longer by the fighting of two groups. We need to move beyond this and we've got to work, if we're not going to sell it, to get over the fact that we're not going to sell it, and to let them do what they need to do, and that is to enter into whatever contracts. Senator MASSEY, I am not an expert. I don't know what the

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length of terms should be, but when you're effectively saying, as I understand it, a call was made to the leadership down there saying you've got to fire the new CEO, you've got to fire those two guys from Arizona because are they doing too good of a job.

My pledge to you is that I will get out of our committee, not mine but our, a body of work that you all will have your ability to define a length of contract, the ability to define solar, the ability to enter into an RTO. You all are going to define the governance and the operation that is in the best interests of who? The State, and I would say to you that is the same with the customer.

On motion of Senator McELVEEN, with unanimous consent, the remarks of Senator RANKIN, were ordered printed in the Journal.

Senator CAMPSSEN spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator BENNETT spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator McELVEEN spoke on the amendment.

The question then was the adoption of the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 13; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gregory	Hembree
Loftis	Malloy	Martin
Massey	Peeler	Rice
Sabb	Setzler	Shealy
Turner	Young	

Total--23

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NAYS

Campsen	Gambrell	Goldfinch
Grooms	Hutto	McElveen
Rankin	Reese	Scott
Senn	Talley	Verdin
Williams		

Total--13

ABSTAIN

Sheheen

Total--1

The amendment was laid on the table.

Amendment No. 1

Senator LEATHERMAN proposed the following amendment (3411R002.SP.HKL), which was adopted:

Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, the most solemn duty of each member of the General Assembly is to exercise his or her constitutional duty to annually provide for the recurring expenses of our state's government; and

Whereas, the public health emergency associated with the 2019 Novel Coronavirus ("COVID-19") has made satisfying that duty more difficult this year, nevertheless, the General Assembly will not fail in its duty to the residents of South Carolina; and

Whereas, given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus; and

Whereas, by enacting this legislation the General Assembly is ensuring that the functions of our state government will continue unabated during this challenging time so that we as a State can combat the spread and address the impact of COVID-19; and

Whereas, it is the intent of the General Assembly that the provisions of this act are temporary and that this act shall be replaced with a comprehensive general appropriations act when we reconvene. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

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PART I

Continuing to Fund the Ordinary Expenses of State Government

SECTION 1. (A)(1) If the 2020-2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020-2021 except as provided in subsection (A)(2).

(2) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a General Appropriations Act for Fiscal Year 2020-2021, after which appropriations made pursuant to this joint resolution 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 until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020-2021, 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 primary, runoff, and general elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of a county election commission. 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.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 2. (A) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus ("COVID-19"). Funds so received shall be expended for COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(B) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

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(C)(1) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant to subsection (B), shall be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account. Funds in the account may be expended only in response to the evolving public health emergency caused by COVID-19.

(2) Prior to the General Assembly reconvening pursuant to a Sine Die resolution, the Governor may direct the expenditure of funds from the account if the expenditure of those funds is (1) necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic and (2) in accordance with federal law. Prior to directing the expenditure of funds, the Governor must submit a plan for the use of the funds to the Joint Bond Review Committee. After review and comment by the Joint Bond Review Committee, the Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

(3) Beginning on May 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds in the Coronavirus Relief Fund. The report shall be transmitted to the Governor and the General Assembly, and made available on the Governor's website.

(D) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

SECTION 3. (A) From the Fiscal Year 2018-2019 Contingency Reserve Fund, there is appropriated \$200,000,000 to the Office of the State Treasurer. From the funds appropriated herein, the Treasurer shall credit \$20,000,000 to the Disaster Trust Fund to be used for disaster relief assistance for a federally declared disaster or a state of emergency declared by the Governor. The Treasurer shall establish a COVID-19

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Response Reserve account which shall be separate and distinct from other accounts. From the funds appropriated herein, the Treasurer shall credit \$180,000,000 to the COVID-19 Response Reserve account.

(B)(1) The Governor may direct the expenditure of funds from the COVID-19 Response Reserve account for expenditures necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic. The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state's COVID-19 response, to include, but not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

(2) The Governor may also direct the expenditure of up to \$15,000,000 from the COVID-19 Response Reserve account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

(C) The Governor must submit to the Joint Bond Review Committee, for its review and comment, a plan for the use of the funds. The Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

SECTION 4. (A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID-19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting, including, but not limited to, those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59-155-160 of the South Carolina Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59-1-425; and

(3) provide maximum programmatic and financial flexibility, including, but not limited to, the authority to carry forward any cash

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balances, to local school districts adjusting to operations in response to COVID-19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID-19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019-2020 level. Step increases are suspended until the annual General Appropriations Act for Fiscal Year 2020-2021 is enacted.

(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

SECTION 5. (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Title 8, Chapter 11, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which

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require only employee contributions, the employee remains solely responsible for making those contributions.

(C) The division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways and Means Committee when any furloughs are implemented. This information shall also be published on the division's website.

SECTION 6. In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SECTION 7. The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Title 2, Chapter 65 the "South Carolina Federal and Other Funds Oversight Act."

SECTION 8. The Comptroller General is directed to accrue into Fiscal Year 2019-20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.

SECTION 9. The increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2020-2021, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2020-2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019-2020.

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SECTION 10. (A) The provisions of Act 95 of 2019 are extended through Fiscal Year 2020-2021. The Public Service Authority ("Santee Cooper") may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper's status.

(B) Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to, contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) implementing an enhanced hedging strategy for natural gas and coal for a duration of one year or less as contained in the reform plan presented pursuant to Act 95;

(2) taking any other action necessary to protect the Santee Cooper's customers, provided that any action taken does not bind the Authority for more than one year;

(3) closing and decommissioning the Winyah Generating Station;

(4) freeze rates as provided in the settlement of *Cook v. Santee Cooper, et al.*; and

(5) taking other actions consistent with this section that are court ordered or required pursuant to *Cook v. Santee Cooper et al* provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B).

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58-31-360, including the state's covenant to not alter, limit, or restrict the Santee Cooper's power to fix, establish, maintain, and collect rents, tolls, rates, and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee

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Cooper's expenses, the conservation, maintenance, and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness, or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness, or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through Fiscal Year 2020-2021 or until an act of the General Assembly expressly supersedes this provision.

SECTION 11. On June 30, 2020, the following provisos contained in Act 91 of 2019, the general appropriations act for Fiscal Year 2019-2020 are deleted:

- 112.1. (DS: Excess Debt Service);
- 117.112. (GP: Employee Compensation)
- 118.16. (SR: Nonrecurring Revenue)
- 117.155. (GP: Higher Education Tuition Mitigation)

PART III

Miscellaneous Provisions

SECTION 12. Any provisions contained in Act 91 of 2019 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

SECTION 13. 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 14. The provisions in this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH spoke on the amendment.

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RECESS

At 4:37 P.M., on motion of Senator SHEHEEN, with unanimous consent and Senator GOLDFINCH retaining the floor, the Senate recessed from business.

At 5:28 P.M., the Senate resumed.

Senator GOLDFINCH spoke on the amendment.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining on the amendment.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to Amendment No. 7.

There was no objection.

Amendment No. 7

Senators GROOMS and MASSEY proposed the following amendment (3411R007.SP.ASM), which was adopted:

Amend the bill, as and if amended, by striking SECTION 10 in its entirety and inserting:

/ SECTION 10. (A) The provisions of Act 95 of 2019 are extended through September 24, 2020. The Public Service Authority ("Santee Cooper") may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper's status.

(B) Without the approval of the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee, Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to, contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

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(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) doing any and all things preparatory to closing and decommissioning the Winyah Generating Station;

(2) planning, permitting, and procuring one hundred megawatts of combustion turbines only with agreement with Central Electric Cooperative;

(3) doing any and all things preparatory to deploying new solar generation only with agreement from Central Electric Cooperative;

(4) entering into joint operational and energy saving agreements with neighboring utilities for a period of less than one year with annual renewals and mutual cancellation clauses thereafter;

(5) entering into hedge agreements for natural gas and coal for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;

(6) entering into purchase power arrangements needed for, but not in excess of, anticipated load for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;

(7) having the ability to borrow as currently anticipated for operational needs, or risk management as market conditions may allow;

(8) settling outstanding lawsuits;

(9) taking whatever steps are prudent and consistent with good utility practice to manage the COVID -19 pandemic;

(10) proceeding with appropriate resource discussions with Central;

(11) freezing rates as provided in the settlement of Cook v. Santee Cooper, et al.; and

(12) taking other actions consistent with this section that are court ordered or required pursuant to Cook v. Santee Cooper et al. provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B).

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58-31-360, including the state's covenant to not alter, limit, or restrict the Santee Cooper's power to fix, establish,

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maintain, and collect rents, tolls, rates, and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper's expenses, the conservation, maintenance, and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness, or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness, or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through September 24, 2020, or until an act of the General Assembly expressly supersedes this provision. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining on the amendment.

Amendment No. 6

Senators CASH and RICE proposed the following amendment (3411R005.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. (A) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases when the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention provided that the physician acts in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be

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based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

(B) The State has enacted Section 43-5-1185 of the 1976 Code that prohibits state funds, directly or indirectly, from being utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions. Having prevented Planned Parenthood from performing abortions with state funds, once the federal injunction is lifted, the Department of Health and Human Services may not direct any federal funds to Planned Parenthood. An otherwise qualified organization may not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that provides abortion services where the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention is excepted from the above restriction on state family planning funds and may receive state family planning funds, provided that the physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child. /

Renumber sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

Motion Adopted

On motion of Senator CASH, with unanimous consent, Amendment No. 6 was withdrawn.

Senator MARTIN spoke on the Bill.

Senator SENN spoke on the Bill.

The question being third reading of the Bill, as amended.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

ABSTAIN

Sheheen

Total--1

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following name was reported to the Senate in open session:

WEDNESDAY, APRIL 8, 2020

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Judiciary Committee, the following appointments were confirmed in open session:

Reappointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large - Gubernatorial:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229-3391

On motion of Senator RANKIN, the question was confirmation of Brandolyn T. Pinkston.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 3

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams		

Total--34

NAYS

Total--0

ABSTAIN

Hutto	Malloy	Young
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Total--3

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The appointment of Brandolyn T. Pinkston was confirmed.

Initial Appointment, South Carolina State Ethics Commission, with
the term to commence April 1, 2020, and to expire April 1, 2025

House - Minority:

Alonzo J. Holloway, 116 Wynfield Ct., Columbia, SC 29210

On motion of Senator RANKIN, the question was confirmation of
Alonzo J. Holloway.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 3

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams		

Total--34

NAYS

Total--0

ABSTAIN

Hutto	Malloy	Young
-------	--------	-------

Total--3

The appointment of Alonzo J. Holloway was confirmed.

WEDNESDAY, APRIL 8, 2020

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

John S. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528
VICE Rob Chumley

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jean K. McCormick, 7 Sunset Bluff, Beaufort, SC 29907-1453
VICE Mark Francis Fitzgibbons

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Dukes Beck, 1562 Inverness Dr., Charleston, SC 29412-2617
VICE Priscilla B. Baldwin

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John C. “Jack “ West, Jr. of Camden, S.C. Jack served in the United States Army. Jack was a practicing attorney and formed The State Capital Group where he specialized in governmental affairs. He was a member and former elder of Bethesda Presbyterian Church. Jack served on the advisory board for the First Community Bank in Camden, Board of Directors for Associated Charities, the Central Carolina Chapter of the American Red Cross, Kershaw County Airport Commission and was currently serving as Chairman of the Board for the John C. West Forum at Winthrop University. Jack was a loving husband, devoted father and doting grandfather who will be dearly missed.

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and

MOTION ADOPTED

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Garnet “Ken” Kenneth Dover of Piedmont, S.C. Ken was a specialist in the 81st infantry of the United States Army. Ken was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators PEELER and MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kathryn A. Ullom of Columbia, S.C. Mrs. Ullom is the mother of our beloved Lynn Ballentine. Kathryn was a retired administrative assistant with the Columbia Police Department. She enjoyed spending time with her grandchildren and cooking. Kathryn was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator GOLDFINCH, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jimmy McCants, of Pawleys Island, S.C. Jimmy graduated from the University of Georgia and was an avid outdoorsman who enjoyed hunting and fishing. He was a member of Duncan Memorial Methodist Church in Georgetown. Jimmy was a former chair of the Town of Pawleys Island and was named the Pawleys Island Citizen of the Year in 2013. He was active in the Rotary Club of Georgetown, the Pawleys Island Chapel Board of Directors and Chairman of the Pawleys Island Planning Commission. Jimmy was a loving husband, devoted father and doting grandfather who will be dearly missed.

WEDNESDAY, APRIL 8, 2020

ADJOURNMENT

At 6:17 P.M., on motion of Senator MASSEY, the Senate adjourned to meet under the provisions of the *Sine Die* Resolution, S. 1194.

* * *

Tuesday, May 12, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 4:8

“In peace I will both lie down and sleep; for you alone, O Lord, make me dwell in safety.”

Let us pray. Almighty God, for two months now we as a nation have been very focused -- focused on the daily news, statistics, financial woes, social distancing and the rapidly spreading deadly virus now identified as COVID-19.

Gracious God, being anxious and scared has been the operative reaction during these difficult days. But Your Word teaches us to be thankful in all circumstances. Your Word calls us to be wise and use good judgment while at the same time staying focused on and thankful for the blessings around us: namely, that we have health care providers and first responders that put their lives on the line to protect us and care for us; that we have the resources to find a vaccine and effective ways to mitigate the severity of this virus; that we live in a country that will recover from this crisis; that we have family, friends and a gracious God who loves us in the midst of plenty and of want.

Help us, O Lord, to focus on these special blessings each hour of each day that we might know the “peace that passes all understanding.” Through the power of Your 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:

Local Appointments

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Harriett A. Bonds, 103 Silverhill Rd., Walterboro, SC 29488-3555

TUESDAY, MAY 12, 2020

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Sophia T. Henderson, 1145 Oakman Branch, Walterboro, SC 29488-7877

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Catherine Badgett, P. O. Box 2020, Ridgeland, SC 29936-2635

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jacqueline S. Lee, P. O. Box 639, Ridgeland, SC 29936-2611

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Sydney JoAnne McDonald, 358 3rd Ave., Ridgeland, SC 29936-8785

Initial Appointment, Saluda County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

William Robin Freeman, 3690 Hollywood Rd., Chappells, SC 29037-9436 *VICE* Hon. D. Bruce Horn - retired 1/31/20

COMMUNICATION FROM THE CLERK

Due to the COVID-19 pandemic, the PRESIDENT invoked the authority of Rule 1C to adjourn the sessions on April 14, 15, 16, 21, 22, 23, 28, 29, 30 as well as May 5, 6 and 7. Rule 1C reads, "The President, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the Senate, may declare the body adjourned to some other time. Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and acts of God."

REGULATION WITHDRAWN

Document No. 4886

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-65, 46-45-80, and 48-1-10 et seq.

SUBJECT: Standards for the Permitting of Agricultural Animal Facilities

Received by Lieutenant Governor January 14, 2020

TUESDAY, MAY 12, 2020

Referred to Committee on Agriculture and Natural Resources
Legislative Review Expiration: Permanently Withdrawn
Permanently Withdrawn May 5, 2020

Leave of Absence

On motion of Senator FANNING, at 2:12 P.M., Senator M.B. MATTHEWS and Senator McLEOD was granted a leave of absence for the day.

Leave of Absence

On motion of Senator SETZLER, at 2:18 P.M., Senator John MATTHEWS was granted a leave of absence for the day.

Leave of Absence

On motion of Senator ALEXANDER, at 2:31 P.M., Senator LEATHERMAN was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 5:31 P.M., Senator SENN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator HUTTO, at 5:32 P.M., Senator SHEHEEN was granted a leave of absence for the balance of the day.

Motion Adopted

On motion of Senator SETZLER, with unanimous consent, the Senate rose for a moment of silence in honor of Ms. Jessierine Davis Bright, the mother of our beloved Senator Margie Bright-Matthews.

Expression of Personal Interest

Senator MARTIN rose for an Expression of Personal Interest.

Remarks by Senator MARTIN

You and I frequently hear the term "fake news", and I understand that everyone agrees with that phrase to varying degrees -- and some not at all. But I am going to tell you a story about verified and unquestionable FAKE NEWS!

I saw a story, in the news section and not the opinion section, of the Charleston Post and Courier dated April 19, 2020, and headlined "SC

TUESDAY, MAY 12, 2020

Health Department warned lawmakers for years: Budget cuts 'jeopardized' its pandemic plan"!

I read on, because I couldn't believe that after 10 years of record economic growth, this General Assembly, and especially this Senate, actually ignored warnings from DHEC that they lacked adequate funding for a response to a pandemic. I did not think that Senator ALEXANDER, who chairs that subcommittee, would allow it.

The third paragraph says, "Over and over, they saw their budgets cut and ranks thinned, even as they warned that shortfalls jeopardized the state's preparedness and severely limited its ability to contain an outbreak."

The fifth paragraph says, "The State Department of Health and Environmental Control has lost 20 percent of its infectious disease staff since the Great Recession."

I read the rest of the article, some of which I'll touch on in a minute, but when I finished, I asked the able bodied staff of Senator ALEXANDER's subcommittee to please find out if this was true. They asked DHEC, and here is what DHEC said:

"The Post and Courier article had two errors: first, that we had lost funding and staff for our infectious disease program. This is not accurate; our funding and staff have grown. Second, that we had stopped contact tracing early on in our response. This also is not true; we have surged up from 20 tracers to 200 to meet all contact investigation needs." Remember, this is what DHEC said!

DHEC sent along a chart of their funding, which I am sure staff will share with you upon request, illustrating that expenditures in their program area labeled "Infectious Diseases." Their state funding grew by a double-digit percentage in five of the last six years -- and that does not include the forty-five million they received from us a few weeks ago.

The same chart reveals that DHEC's "Public Health Preparedness" expenditures grew by 23% in FY '19 and 58% in FY '20. Again, in DHEC's words, "The Post and Courier article had two errors: first, that we'd lost funding and staff for our infectious disease program. This is not accurate; our funding and staff have grown."

DHEC also provided a chart showing that their infectious disease staffing rate has risen from 396 in FY '11 to 444 in FY '19, and that a couple of interim dips in that number resulted from internal reorganizations and the removal of historically vacant FTE positions.

DHEC also noted that in the current emergency, "Through a combination of rapid hires and remobilizing existing staff, we have been able to quickly ramp up our disease contact investigation team from

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twenty staff on an average day to two hundred staff to meet the demands for contact tracing during our COVID-19 response."

I am glad to be able to set this record straight not so much to highlight errors in the media, although that is a little gravy on top, but to let our taxpayers know that the General Assembly, and specifically this Senate and the subcommittee responsible for DHEC's budget, would not and did not leave the public in any danger.

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator MARTIN, were ordered printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 753 Sen. Cash
S. 1087 Sen. Young
S. 1100 Sen. Campsen
S. 1203 Sen. Young
S. 1204 Sen. Shealy

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Remarks by Senator KIMPSON

Mr. PRESIDENT and members, yesterday I had the occasion to participate in the delivery of hundreds of thousands of PPE, personal protective equipment. We have all been watching TV. We know that PPE is in demand all across the country. We are very fortunate to have a good corporate citizen like Boeing, whose facility happens to be in Senate District 42, and we are also fortunate to have a good institution like the Medical University of South Carolina (MUSC) that is spearheading an initiative, led by Dr. David Cole, to get these PPE out to the front-line workers as we seek to ramp up our testing efforts all across the State.

Now, this is very, very important for us in reopening our economy. I don't know about you but when I get sick, I go to a doctor, and I follow what the doctor tells me to do. I don't listen to any politician trying to tell me how to protect myself from the corona virus. What most credible physicians say is you have to wear your mask. We have to have the ability to track and trace -- track and trace. This is not rocket science. I drove out to Aviation Avenue. I was invited, and I sat among some of the state's highest dignitaries. I don't know who let me on the program but I was honored to bring remarks on behalf of Senate District 42. We

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started out talking about what a significant announcement it is to have hundreds of thousands of PPE coming to South Carolina. Even having said that and with the power that was up there on that rostrum -- we had the Governor, a U. S. Senator, members of Congress -- none of us collectively had the power to bring back the 300 lives lost due to the corona virus. We have a lot of power but we can't bring those people back. We can't reverse the thousands of people who have tested positive since the outbreak of the pandemic. So recognizing the story that will be written -- and there's going to be a story written when we reflect on history, we have to look to optimism. Optimism on that day was that we had South Carolina entities stepping up to help protect our citizens. Boeing flew three dream liners. I'm told by their CEO, Dave Calhoun, that never before in the world have there been three dream liners lined up like what we had that day. Those dream liners were full of equipment. The Innovation Center and MUSC -- both in Senate District 42 -- were there. We were all there to applaud and welcome them. The authors of our future will one day write about this great day in South Carolina.

As we end that chapter and hopefully return to some sense of normalcy, we would be remiss if we didn't recognize the deaths of our citizens from COVID. We also need to recognize the fact we have many people in the State of South Carolina -- particularly in the African-American community and we need to know what is our plan to track and trace. Yesterday, I think we took a step in the right direction. We reflect to do our duty here today, I didn't want to go away without recognizing the help of our business partners in Senate District 42. Duly noting we are in a pandemic. We are all duty-bound to exercise good habits because as leaders we should set a good example.

In closing, let me just say, it is good to be back in this Body and to see my colleagues. I'm ready to do the business and work of the people. Hopefully we can get some meaningful work done on behalf of South Carolinians, and to know that two great institutions assembled in Charleston on a beautiful day with three dream liners to do the work of the people and saving us by their commitment to this State from the devastation of this pandemic. Thank you, Mr. PRESIDENT.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator KIMPSON, were ordered printed in the Journal.

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Motion to Ratify Adopted

At 3:45 P.M., Senator ALEXANDER made a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

The motion was adopted and a message was sent to the House accordingly.

RECALLED AND ADOPTED

H. 5431 -- Rep. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE EDISTO RIVER ALONG UNITED STATES HIGHWAY 17 IN COLLETON COUNTY "SENATOR PEDEN MCLEOD BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS BRIDGE CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

Senator GROOMS 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 GROOMS, the Resolution was adopted and ordered sent to the House.

RECALLED AND ADOPTED

S. 1095 -- Senator Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT CAMP ROAD AND RIVERLAND DRIVE "KEN MOORE INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

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Senator GROOMS 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 GROOMS, the Resolution was adopted and ordered sent to the House.

RECALLED, AMENDED AND READ THE SECOND TIME

S. 163 -- Senator Bennett: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 148, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AIR MEDAL" SPECIAL LICENSE PLATES.

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.

Senator GROOMS proposed the following amendment (163R001.SP.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

"ARTICLE 147

'Drivers For a Cure' Special License Plates

Section 56-3-14710. (A) The Department of Motor Vehicles may issue 'Drivers For a Cure' special license plates to owners of private passenger-carrying motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-3-20, registered in their names.

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Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) This special license plate must be the same size and general design of regular motor vehicle license plates.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for each special license plate is thirty dollars plus the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. Any portion of the thirty-dollar fee in excess of the costs of production and distribution of the license plates must be distributed evenly between the Medical University of South Carolina Hollings Cancer Center and the Duke Cancer Institute.”

SECTION 2. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 148

Air Medal Special License Plates

Section 56-3-14810. (A) The Department of Motor Vehicles may issue ‘Air Medal’ special license plates to owners of private passenger-carrying motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names who have been awarded the Air Medal. The motor vehicle owner must present the department with a DD214, or other official documentation that states that the owner received the Air Medal, along with the owner’s application for this special license plate. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section, if permitted by the appropriate branch of the United States Armed Services, must contain an illustration of the Air Medal.

(B) The production and issuance of this special license plate are exempt from the provisions contained in Section 56-3-8100(A)(1) and (2).”

SECTION 3. A. Section 56-3-7780 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped placard issued pursuant to Section 56-3-1960, then the license plate issued pursuant to this section shall also include the international symbol of access used on placards issued pursuant to Section 56-3-1960. Until the Department of Motor Vehicles determines that the license plate shall be redesigned to include the international symbol of access, the Department of Motor Vehicles

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shall develop a decal using the international symbol of access to be placed on the license plate, which shall be issued to all persons who request the license plate authorized by this section.”

B. The Department of Motor Vehicles shall issue a license plate that includes the international symbol of access pursuant to Section 56-3-7780, as amended by this act, to persons who request the license plate authorized by Section 56-3-7780 and who were previously issued license plates pursuant to Section 56-3-7780 on or before the effective date of this act.

SECTION 4. This act takes effect one hundred eighty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--36

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NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

S. 163--Ordered to a Third Reading

On motion of Senator GROOMS, with unanimous consent, S. 163 was ordered to receive a third reading on Wednesday, May 13, 2020.

INTRODUCTION OF BILLS AND RESOLUTIONS

S. 1195 -- Senator Sheheen: A SENATE RESOLUTION TO CONGRATULATE DAISY FAULKENBERRY UPON THE OCCASION OF HER RETIREMENT FROM THE KERSHAW COUNTY 911 COMMUNICATIONS CENTER, TO COMMEND HER FOR HER MANY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1196 -- Senator Young: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE JOHN CHARLES "CHUCK" SMITH UPON THE OCCASION OF HIS RETIREMENT FROM AIKEN COUNTY COUNCIL, TO COMMEND HIM FOR HIS TWENTY YEARS OF DEDICATED SERVICE AS A COUNCILMAN, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1197 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE GROUND SHAKERS ROBOTICS TEAM OF SUMMERVILLE FOR BEING THE WINNING ALLIANCE CAPTAIN AT THE SOUTH CAROLINA FIRST(r) TECH CHALLENGE STATE CHAMPIONSHIP FOR THE 2019-2020 FIRST(r) ROBOTICS SEASON AND TO

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CONGRATULATE THEM ON ADVANCING TO THE FIRST(r)
WORLD CHAMPIONSHIP.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1198 -- Senator Gambrell: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CORPORAL WILLIAM JAMES MCCOLLUM OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN NORTH KOREA AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1199 -- Senator J. Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JOHN H. RICKENBACKER FOR HIS MANY YEARS OF DEDICATED COMMUNITY SERVICE TO THE PEOPLE OF ORANGEBURG COUNTY AND TO EXTEND BEST WISHES AS HE CONTINUES TO SERVE IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 1200 -- Senators Cash, Massey, Loftis, Grooms, Corbin, Rice, Davis, Gambrell, Climer and Verdin: A BILL TO AMEND SECTION 1-3-420 OF THE 1976 CODE, RELATING TO A PROCLAMATION OF EMERGENCY BY THE GOVERNOR, TO PROVIDE THAT A STATE OF EMERGENCY DECLARED BY THE GOVERNOR PURSUANT TO THIS PROVISION OF LAW MAY NOT LAST MORE THAN FIFTEEN DAYS UNLESS THE GENERAL ASSEMBLY ADOPTS A CONCURRENT RESOLUTION AUTHORIZING THE STATE OF EMERGENCY TO REMAIN IN PLACE FOR A LONGER PERIOD OF TIME, TO PROVIDE THAT INACTION BY THE GENERAL ASSEMBLY IN THIS REGARD DOES NOT CONSTITUTE CONSENT, TO PROVIDE THAT THE GOVERNOR CANNOT DECLARE A NEW STATE OF EMERGENCY FOR CIRCUMSTANCES ARISING FROM THE SAME OR A SIMILAR OR RELATED IMMINENT THREAT, EVENT, OCCURRENCE, OR INCIDENT, AND TO PROVIDE THAT A CHANGE IN THE DEGREE OF IMPACT OF THE UNDERLYING IMMINENT THREAT, EVENT, OCCURRENCE, OR INCIDENT

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DOES NOT CONSTITUTE GROUNDS FOR A NEW DECLARATION OF A STATE OF EMERGENCY; AND TO AMEND SECTION 25-1-440 OF THE 1976 CODE, RELATING TO THE GOVERNOR'S ADDITIONAL POWERS AND DUTIES DURING A DECLARED EMERGENCY, TO PROVIDE THAT THE GENERAL ASSEMBLY MUST ADOPT A CONCURRENT RESOLUTION AUTHORIZING A DECLARED STATE OF EMERGENCY IF IT IS TO REMAIN IN PLACE FOR LONGER THAN FIFTEEN DAYS, TO PROVIDE THAT INACTION BY THE GENERAL ASSEMBLY IN THIS REGARD DOES NOT CONSTITUTE CONSENT, TO PROVIDE THAT THE GOVERNOR CANNOT DECLARE A NEW STATE OF EMERGENCY FOR CIRCUMSTANCES ARISING FROM THE SAME OR A SIMILAR OR RELATED IMMINENT THREAT, EVENT, OCCURRENCE, OR INCIDENT, AND TO PROVIDE THAT A CHANGE IN THE DEGREE OF IMPACT OF THE UNDERLYING IMMINENT THREAT, EVENT, OCCURRENCE, OR SIMILAR INCIDENT DOES NOT CONSTITUTE GROUNDS FOR A NEW DECLARATION OF A STATE OF EMERGENCY.

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Senator CASH spoke on the Bill.

Remarks by Senator CASH

I have introduced a Bill that will add several paragraphs to the Code to clarify, and make sure when it says a period of time -- you know 15 days needs our consent, that's actually what it means. All right, that's a Bill. That's legislation.

This is a Concurrent Resolution that I'm talking about. Now, I want you all to understand that the point here is not whether you believe the state of emergency should continue or whether you would have voted for it to continue, or whether you believe it should have been stopped and you would have voted -- that's not the point. We are talking about the rule of law and what the law says and what our duty is. So, if you will actually look at the Concurrent Resolution and look at the part where it says, "Be it resolved", that's what this Resolution is about. And what it says is, it is the sense of the General Assembly that changing circumstances or a change in the degree of the impact of the underlying imminent or actual threat, event, occurrence or similar incident giving rise to a state of emergency are not sufficient grounds upon which to declare a state of emergency subsequent to a state of emergency declared pursuant to Section 25-1-440. Basically, that is saying you cannot have

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one state of emergency, COVID-19, and then every 15 days say that it has changed enough or evolved enough to become a separate and distinct -- a new state of emergency -- new, thereby skirting the consent requirement of the law. You can't do that. We are just saying that is our sense; that you cannot claim that some evolution in the state of emergency allows you to claim a new state of emergency. Otherwise, there is no consent requirement in the law. You could do that every 15 days forever.

So, we are just saying that is our sense. We also say, if you concur with this, that it is the sense of the General Assembly -- that it is the Governor's duty to ask for consent. If a state of emergency needs to be extended beyond 15 days, and that it is the General Assembly's duty to give consent in a timely manner, if the General Assembly determines such an extension is warranted. If explicit consent is not given by the General Assembly, the state of emergency expires 15 days after declared. This is not binding. It is a Concurrent Resolution expressing our sense and affirming what we believe the plain meaning of that one sentence is. Which is, a state of emergency cannot continue for more than 15 days without the consent of the General Assembly. Mr. PRESIDENT, I would ask for unanimous consent for us to consider the Resolution.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator CASH, were ordered printed in the Journal.

Senator MARTIN spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 1201 -- Senators Cash, Martin, Rice, Loftis, Corbin, Turner, Grooms, Gambrell, Talley, Massey, Climer and Verdin: A CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF THE GENERAL ASSEMBLY THAT THE GOVERNOR IS NOT AUTHORIZED TO DECLARE SUCCESSIVE STATES OF EMERGENCY THAT ARE BASED UPON THE SCOPE OF IMPACT OF THE EVENT OR OCCURRENCE THAT WAS THE BASIS FOR THE STATE OF EMERGENCY, FURTHER, TO EXPRESS THE SENSE OF THE GENERAL ASSEMBLY THAT A STATE OF EMERGENCY DECLARED BY THE GOVERNOR MAY NOT LAST LONGER THAN FIFTEEN DAYS WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, THAT THE GOVERNOR HAS A DUTY TO REQUEST AN EXTENSION IF HE BELIEVES THAT THE EMERGENCY WILL EXTEND BEYOND

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FIFTEEN DAYS, AND THAT WITHOUT EXPRESS CONSENT FROM THE GENERAL ASSEMBLY THE STATE OF EMERGENCY EXPIRES FIFTEEN DAYS AFTER IT IS DECLARED.

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Senator CASH spoke on the Bill.

Objection

Senator VERDIN asked unanimous consent that the Bill go without reference.

Senator CAMPSEN objected.

Read the first time and referred to the Committee on Judiciary.

Recalled from the Committee on Judiciary.

S. 1202 -- Senator Peeler: A SENATE RESOLUTION TO CELEBRATE FORMER CLEMSON STAR FORWARD TREVOR BOOKER FOR HIS OUTSTANDING CAREER AS A PROFESSIONAL BASKETBALL PLAYER, TO CONGRATULATE HIM ON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1203 -- Senators Campsen and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "EMERGENCY ORDER BALANCE OF POWERS ACT" BY AMENDING SECTIONS 1-3-420 AND 25-1-440, BOTH RELATING TO A PROCLAMATION OF AN EMERGENCY BY THE GOVERNOR, SO AS TO SET FORTH ACTIONS THAT WOULD MAKE THE PROCLAMATION INEFFECTIVE AND TO ALLOW THE GOVERNOR TO RENEW A STATE OF EMERGENCY IN PERIODS OF NO GREATER THAN FIFTEEN DAYS.

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Senator CAMPSEN spoke on the Bill.

Objection

Senator VERDIN asked unanimous consent for immediate consideration today and second reading tomorrow.

Senator ALEXANDER objected.

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Read the first time and referred to the Committee on Judiciary.

S. 1204 -- Senators Campsen, Kimpson, Setzler, Bennett, Turner, Grooms, Davis, Rice, Campbell, Gambrell, Goldfinch, Climer, Sabb, Talley, Young, Williams, Hembree, Johnson, Fanning and Verdin: A BILL TO AMEND SECTION 7-15-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO PROVIDE THAT A QUALIFIED ELECTOR MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN AN ELECTION IF THE QUALIFIED ELECTOR'S PLACE OF RESIDENCE OR POLLING PLACE IS LOCATED IN AN AREA SUBJECT TO A STATE OF EMERGENCY DECLARED BY THE GOVERNOR AND THERE ARE FEWER THAN FORTY-SIX DAYS REMAINING UNTIL THE DATE OF THE ELECTION.

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Senator CAMPSEN spoke on the Bill.

Read the first time and, on motion of Senator GOLDFINCH, with unanimous consent, S. 1204 was ordered placed on the Calendar without reference.

S. 1205 -- Senators Gregory and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-775 SO AS TO PROHIBIT THE POSSESSION OF CERTAIN ITEMS COMMONLY USED TO PRODUCE GRAFFITI ON PROPERTY OWNED OR MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES.

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Read the first time and referred to the Committee on Judiciary.

S. 1206 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-671 SO AS TO PROVIDE FOR THE DESIGN, COLOR, AND OTHER ELEMENTS OF THE SOUTH CAROLINA STATE FLAG AND TO DESIGNATE THE FLAG OF THIS DESIGN, COLOR, AND ELEMENTS AS THE OFFICIAL SOUTH CAROLINA STATE FLAG.

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Read the first time and referred to the Committee on Family and Veterans' Services.

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S. 1207 -- Senator Sabb: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF HIGHWAY 45 FROM BETAW ROAD EXTENDING 1.5 MILES TO ARROWHEAD TURN "HARVEY MIDDLETON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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On motion of Senator GROOMS, with unanimous consent, the Concurrent Resolution was adopted and sent to the House.

S. 1208 -- Senator Hembree: A SENATE RESOLUTION TO DECLARE SUNDAY, MAY 10 THROUGH SATURDAY, MAY 16, 2020, AS "CHARTER SCHOOLS WEEK" IN THE PALMETTO STATE AND TO ACKNOWLEDGE THE IMPORTANCE OF EDUCATING THE CHILDREN OF SOUTH CAROLINA IN INNOVATIVE CLASSROOMS AND SCHOOLS.

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The Senate Resolution was adopted.

S. 1209 -- Senator Hembree: A JOINT RESOLUTION TO MITIGATE THE NEGATIVE IMPACT OF THE COVID-19 VIRUS ON STUDENT ELIGIBILITY FOR CERTAIN STATE SCHOLARSHIPS AND LOANS BY TEMPORARILY WAIVING CERTAIN PROVISIONS OF SECTION 59-104-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MINIMUM TEST SCORES FOR PALMETTO FELLOWS SCHOLARSHIPS, SECTION 59-149-50, RELATING TO MINIMUM TEST SCORES FOR LIFE SCHOLARSHIPS, AND RELATED REGULATIONS, ALL SO AS TO ALLOW GRADUATING SENIORS WHO EARN A QUALIFYING ACT SCORE THROUGH JULY OF 2020 TO MEET INITIAL ELIGIBILITY CRITERIA FOR THESE SCHOLARSHIPS, BY TEMPORARILY WAIVING CERTAIN REGULATORY PROVISIONS CONCERNING CONTINUOUS ENROLLMENT REQUIREMENTS FOR THESE SCHOLARSHIPS SO AS TO ALLOW ELIGIBLE STUDENTS TO POSTPONE ENROLLMENT UNTIL SPRING 2021, AND BY WAIVING CERTAIN REGULATIONS CONCERNING SOUTH CAROLINA TEACHER LOAN PROGRAM STANDARDIZED TEST SCORE

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REQUIREMENTS FOR FRESHMEN DURING THE 2020-2021 ACADEMIC YEAR.

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Read the first time and, on motion of Senator HEMBREE, with unanimous consent, S. 1209 was ordered placed on the Calendar without reference.

S. 1210 -- Senator McLeod: A BILL TO AMEND SECTION 17-13-20 OF THE 1976 CODE, RELATING TO CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN'S ARREST, TO PROVIDE THAT A CITIZEN MAY ONLY ARREST A PERSON IN THE NIGHTTIME AS NECESSARY IF THE PERSON HAS ENTERED A DWELLING HOUSE WITHOUT EXPRESS OR IMPLIED PERMISSION; AND TO REPEAL SECTION 17-13-10, RELATING TO ADDITIONAL CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN'S ARREST.

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Read the first time and referred to the Committee on Judiciary.

S. 1211 -- Senator McLeod: A JOINT RESOLUTION TO AMEND SECTION 9, ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION, RELATING TO SESSIONS OF THE GENERAL ASSEMBLY, TO PROVIDE FOR MEETING IN SESSION IN A SAFE LOCATION OR REMOTELY IF MEETING IN THE CAPITOL BUILDING IS UNSAFE DUE TO CASUALTIES OF WAR OR CONTAGIOUS DISEASE, AND TO PROVIDE THAT THE RULES OF THE RESPECTIVE BODIES SHALL BE AMENDED TO IMPLEMENT THE PROVISIONS OF THIS CONSTITUTIONAL AMENDMENT.

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Read the first time and referred to the Committee on Judiciary.

S. 1212 -- Senators Cromer, Sabb, Davis and Kimpson: A JOINT RESOLUTION TO SUSPEND ANY REQUIREMENT THAT A SCHOOL BOARD CANDIDATE MUST COLLECT PETITION SIGNATURES TO RUN FOR A SCHOOL BOARD SEAT UNTIL DECEMBER 31, 2020.

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Senator CROMER spoke on the Resolution.

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Read the first time and, on motion of Senator CROMER, with unanimous consent, S. 1212 was ordered placed on the Calendar without reference.

S. 1213 -- Senator Verdin: A BILL TO AMEND ARTICLE 4, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, BY ADDING SECTION 25-1-442, TO PROVIDE THAT DURING A DECLARED STATE OF EMERGENCY LOCAL GOVERNMENTS CANNOT ADOPT OR ENFORCE LOCAL ORDINANCES THAT CONFLICT WITH PROVISIONS CONTAINED IN THE GOVERNOR'S EXECUTIVE ORDERS REGARDING THE STATE OF EMERGENCY; TO AMEND SECTION 1-3-420 OF THE 1976 CODE, RELATING TO PROCLAMATIONS OF STATES OF EMERGENCY, TO PROVIDE THAT A PROCLAMATION MAY NOT REMAIN IN EFFECT FOR LONGER THAN FIFTEEN DAYS, TO PROVIDE THAT A STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; TO AMEND SECTION 25-1-440(a)(2) OF THE 1976 CODE, RELATING TO A DECLARATION OF EMERGENCY FOR A DISASTER, A PUBLIC HEALTH EMERGENCY, OR THE THREAT THEREOF, TO PROVIDE THAT THE STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE OF EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; AND TO AMEND ARTICLE 3, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, BY ADDING SECTION 6-1-410, TO PROVIDE THAT LOCAL GOVERNMENTS CANNOT MANDATE THAT BUSINESS

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**OWNERS REQUIRE PATRONS TO WEAR PROTECTIVE MASKS
ON THE BUSINESS' PREMISES.**

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Read the first time and referred to the Committee on Family and Veterans' Services.

**S. 1214 -- Senators Cash, Loftis and Rice: A CONCURRENT
RESOLUTION TO REQUEST THAT THE GOVERNOR RESCIND
HIS EXECUTIVE ORDERS CLOSING SO CALLED NON-
ESSENTIAL BUSINESSES AND PROHIBITING GATHERINGS OF
THREE OR MORE PEOPLE.**

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Senator CASH spoke on the Resolution.

The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

**S. 1215 -- Senators Nicholson, 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, Peeler, Rankin, Reese,
Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner,
Verdin, Williams and Young: A SENATE RESOLUTION TO
EXPRESS DEEP APPRECIATION TO ANGELLE LABORDE FOR
HER SERVICE WITH THE GREENWOOD SC CHAMBER OF
COMMERCE AS SHE ENDS HER TIME WITH THE CHAMBER, TO
CONGRATULATE HER ON BEING NAMED PRESIDENT AND
CHIEF EXECUTIVE OFFICER OF THE LEXINGTON CHAMBER &
VISITORS CENTER AND TO WISH HER MUCH SUCCESS IN THE
DAYS AHEAD.**

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The Senate Resolution was adopted.

**S. 1216 -- Senators Nicholson, 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, Peeler, Rankin, Reese,
Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner,
Verdin, Williams and Young: A SENATE RESOLUTION TO**

TUESDAY, MAY 12, 2020

RECOGNIZE AND HONOR ANNE CRAIG, EXECUTIVE DIRECTOR OF THE ARTS CENTER OF GREENWOOD, ON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR TWENTY-THREE YEARS OF OUTSTANDING AND DEDICATED SERVICE, AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1217 -- Senators Nicholson, 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, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR FRANK WIDEMAN III ON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF THE SELF FAMILY FOUNDATION AFTER TWENTY-SEVEN YEARS OF COMMITTED SERVICE AND TO WISH HIM MUCH HAPPINESS IN HIS HARD-EARNED RETIREMENT.

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The Senate Resolution was adopted.

S. 1218 -- Senator Sheheen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION DEDICATE THE PORTION OF BULL STREET IN THE CITY OF CAMDEN FROM ITS INTERSECTION WITH BROAD STREET TO ITS INTERSECTION WITH MARKET STREET "VONNIE HOLLIDAY WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF STREET CONTAINING THIS DESIGNATION.

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The Concurrent Resolution was adopted, ordered sent to the House.

TUESDAY, MAY 12, 2020

S. 1219 -- Senator Corbin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SAM ROBERTSON OF GREENVILLE COUNTY FOR HIS EXTENSIVE HOURS OF VOLUNTEER LABOR IN ASSISTING THE RESIDENTS OF THE LAUREL AND HARDY LAKE COMMUNITY AFTER TORNADOES RAVAGED THIS UPTATE AREA IN APRIL 2020.

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The Senate Resolution was adopted.

S. 1220 -- Senator Corbin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MARIETTA FIRST BAPTIST CHURCH OF GREENVILLE COUNTY FOR ITS MANY YEARS OF DEDICATED CHRISTIAN MINISTRY AND TO EXTEND TO THE CHURCH SPECIAL THANKS FOR THE TIMELY ASSISTANCE IT PROVIDED, AND CONTINUES TO PROVIDE, TO THE RESIDENTS OF THE LAUREL AND HARDY LAKE COMMUNITY AFTER TORNADOES RAVAGED THIS AREA IN APRIL 2020.

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The Senate Resolution was adopted.

H. 4822 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 278 AND SOUTH CAROLINA HIGHWAY 68 IN HAMPTON COUNTY "RANDOLPH 'BUSTER' MURDAUGH INTERCHANGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5122 -- Reps. R. Williams and Jefferson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOCIETY HILL ROAD IN DARLINGTON COUNTY FROM ITS INTERSECTION WITH GREENFIELD ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 "COLONEL CHRISTOPHER N. WILLIAMSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

TUESDAY, MAY 12, 2020

H. 5134 -- Reps. Hayes and Atkinson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MARK ROAD IN DILLON COUNTY FROM ITS INTERSECTION WITH BLACK BRANCH ROAD TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "REVEREND JOHN LORIS BRYANT, JR. HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5239 -- Rep. Martin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE IN THE TOWN OF WHITMIRE THAT CROSSES THE CSX RAILROAD TRACK ALONG SOUTH CAROLINA HIGHWAY 72 "CAROL THOMAS MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS BRIDGE CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5240 -- Reps. B. Cox, Burns, Allison, Bannister, Chumley, W. Cox, Dillard, Elliott, Haddon, Morgan, Robinson, G. R. Smith, Stringer, Trantham and Willis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 85 IN GREENVILLE COUNTY LOCATED AT EXIT 51 "LAW ENFORCEMENT OFFICERS INTERCHANGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS EXIT CONTAINING THESE WORDS, AND NAME THE PORTION OF INTERSTATE HIGHWAY 385 IN GREENVILLE COUNTY AT EXIT 36 "GATEWAY TO THE VETERANS' CORRIDOR OF HONOR" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THESE EXITS CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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H. 5300 -- Rep. Calhoon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TWO NOTCH ROAD IN LEXINGTON COUNTY FROM ITS INTERSECTION WITH LONGS POND ROAD TO ITS INTERSECTION WITH SMITH POND ROAD "FIREFIGHTER JEFFREY V. CHAVIS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5301 -- Rep. Forrest: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF FAIRVIEW ROAD IN LEXINGTON COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 20 TO ITS INTERSECTION WITH OLEANDER ROAD "FIRE ENGINEER PAUL E. QUATTLEBAUM, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5471 -- Reps. Funderburk, Lucas, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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, Mace, Mack, Magnuson, Martin, Matthews, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY

TUESDAY, MAY 12, 2020

UPON THE PASSING OF JOHN HOWARD "JOHNNY" ROBINSON AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

Appointments Reported

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2018, and to expire June 30, 2022

6th Congressional District:

Eddie L. Miller, Jr., 2110 Avenue A, Mayesville, SC 29104-8917

Received as information.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2018, and to expire June 30, 2022

7th Congressional District:

Stephanie M. Rawlinson, 1825 Brigadoone Lane, Florence, SC 29505-3236

Received as information.

Message from the House

Columbia, S.C., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

S. 455 -- Senators Alexander, Climer and Davis: A BILL TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A

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TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Clemmons, Stavrinakis and D.C. Moss to the Committee of Free Conference on the part of the House on:

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

Very respectfully,

Speaker of the House

Received as information.

TUESDAY, MAY 12, 2020

Message from the House

Columbia, S.C., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

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

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INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN
THE PROSTITUTE HAS A MENTAL DISABILITY.

Very respectfully,

Speaker of the House

Received as information.

S. 194--SENATE INSISTS ON THEIR AMENDMENTS

On motion of Senator SHEALY, the Senate insisted upon its
amendments to S. 194 and asked for a Committee of Conference.

S. 194--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators HUTTO, SHEALY and YOUNG 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., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses
to concur in the amendments proposed by the Senate to:

S. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE
56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE
REGISTRATION AND LICENSING, BY ADDING ARTICLE 147,
TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES
MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE
PLATES.

Very respectfully,

Speaker of the House

Received as information.

S. 635--SENATE INSISTS ON THEIR AMENDMENTS

On motion of Senator GROOMS, the Senate insisted upon its
amendments to S. 635 and asked for a Committee of Conference.

S. 635--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators CAMPSER, HUTTO and MASSEY were
appointed to the Committee of Conference on the part of the Senate and
a message was sent to the House accordingly.

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Message from the House

Columbia, S.C., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Simrill, Cleary and Rutherford to the Committee of Free Conference on the part of the House on:

S. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

Very respectfully,

Speaker of the House

Received as information.

**S. 635--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

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. 635--Free Conference Powers Granted

Senator MALLOY asked unanimous consent that the conference committee on S. 635 be granted Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators MASSEY, HUTTO and CAMPSSEN 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.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

On motion of Senator HUTTO, the Report of the Committee of Free Conference to S. 635 was adopted, as follows:

S. 635--Free Conference Report

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

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.A. Section 7-13-35 of the 1976 Code is amended to read:

(C) After all return-addressed envelopes have been emptied in this manner, but no earlier than 9:00 a.m. on election day, the managers shall remove the ballots contained in the envelopes marked 'Ballot Herein', placing each one in the ballot box provided for the applicable contest.

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(B) The State Election Commission must develop standards and guidelines for these purposes.”

D. The State Election Commission is directed to implement a software update to its electronic voting machines to allow for challenges to absentee votes cast using the machines in an equivalent manner to challenges to absentee votes cast on electronic voting machines in the 2018 General Election.

H. The amendments contained in subsections A., B., and C. of this SECTION are repealed on December 31, 2021, and the text of these code sections therefore shall revert back to the language as contained in the South Carolina Code of Laws as of January 23, 2020.

B. This SECTION takes effect upon approval by the Governor and expires on July 1, 2020.

SECTION 3. This act takes effect upon approval by the Governor. / Amend title to conform.

/s/Sen. Brad Hutto

/s/Rep. J. Gary Simrill

/s/Sen. George E. “Chip” Campsen III /s/Rep. James Todd Rutherford

/s/Sen. A. Shane Massey

/s/Rep. Gary E. Clary

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DRIVERS FOR A CURE” SPECIAL LICENSE PLATES.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Free Conference having been adopted by both

TUESDAY, MAY 12, 2020

Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

S. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 1085 -- Senators Williams, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Young: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG UNITED STATES HIGHWAY 501 BYPASS IN MARION COUNTY WHICH CROSSES UNITED STATES HIGHWAY 76 "PFC MICHAEL SHAWN LATU MEMORIAL BRIDGE" AND ERECT SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 1194 -- Senators Peeler and Malloy: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET PRIOR TO MAY 14, 2020, OR AT A LATER DATE IF THE

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REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), AND WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14, 2020, NOT LATER THAN 5:00 P.M., OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO FURTHER PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE AGAIN EACH HOUSE SHALL STAND IN RECESS TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, SEPTEMBER 15, 2020, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, SEPTEMBER 24, 2020, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO ADDITIONALLY PROVIDE THAT BETWEEN 5:01 P.M. ON THURSDAY, SEPTEMBER 24, 2020, AND 11:59 P.M. ON SUNDAY, NOVEMBER 8, 2020, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND FINALLY TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2020, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Returned with concurrence.

Received as information.

S. 1197 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE GROUND SHAKERS ROBOTICS TEAM OF SUMMERVILLE FOR BEING THE WINNING ALLIANCE CAPTAIN AT THE SOUTH CAROLINA

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FIRST® TECH CHALLENGE STATE CHAMPIONSHIP FOR THE 2019-2020 *FIRST*® ROBOTICS SEASON AND TO CONGRATULATE THEM ON ADVANCING TO THE *FIRST*® WORLD CHAMPIONSHIP.

Returned with concurrence.

Received as information.

S. 1198 -- Senator Gambrell: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CORPORAL WILLIAM JAMES MCCOLLUM OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN NORTH KOREA AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**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. 1134 -- Senator Malloy: A BILL TO AMEND ACT 259 OF 1961, AS AMENDED, RELATING TO THE HARTSVILLE COMMUNITY CENTER BUILDING COMMISSION, SO AS TO INCREASE THE COMMISSION'S MEMBERSHIP FROM THREE TO FIVE MEMBERS.

AMENDED, HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

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.

The Senate proceeded to the consideration of the Bill.

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Senator GOLDFINCH proposed the following amendment (5034R009.SP.SLG), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. 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 his new residence, then the receiving constituent school district must accept a child residing in the newly established residence.

SECTION __. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (5034R011.KM.SS), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 2 of Act 340 of 1967, as last amended by Act 161 of 1995, is further amended to read:

“Section 2. The governing body of the Charleston County School District shall be a board of trustees which shall be composed of nine members, each of whom shall be a qualified elector of the area he represents. The initial members shall be appointed by the Governor upon the recommendation of a majority of the Charleston County Legislative Delegation. One member shall be appointed from that portion of the of the county included in Moultrie School District No. 2 and St. James Santee School District No. 1; three members shall be appointed from that portion of the county included in St. Andrews District No. 10, St. John’s

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School District No. 9, St. Paul's School District No. 23, and James Island School District No. 3; three members shall be appointed from that portion of the county included in Cooper River School District No. 4; and two members shall be appointed from that portion of the county included in School District No. 20. Of the members first appointed, one shall be from each of the foregoing portions of the county, all of whom shall serve through December 31, 1970; one shall be appointed from the portion of the county included in School District No. 20, two from the portion of the county included in St. Andrews School District No. 10, St. John's School District No. 9, St. Paul's School District No. 23, and James Island School District No. 3, and two from the portion of the county included in Cooper River School District No. 4, each of whom shall serve through December 31, 1972. For the 2020 General Election, notwithstanding any provision of law to the contrary, candidates for election shall file a statement of candidacy with the Charleston County Board of Voter Registration and Elections as provided in Section 7-13-352 as the means to be placed on the ballot. Members of the Charleston County School District Board of Trustees elected at the 2020 General Election shall be elected to a two-year term.

~~Upon the expiration of the term of each member, each successor must be a qualified elector of the same area and must be elected in the general election preceding the expiration date by the qualified electors of the entire county for a term of four years and until a successor is elected and qualifies. Notwithstanding any appointment by the Governor, an election must be held at the time of the next ensuing general election and/or next ensuing countywide election to elect a member when the appointee has been appointed to an unexpired term which exceeds two years. Nothing in this paragraph may be construed to alter the staggering of terms established by this section.~~

(A)(1) After the 2020 United States Census and beginning with the 2022 General Election, the Charleston County School District Board of Trustees shall be comprised of nine defined single-member election districts, the composition of which shall correspond with the composition of the Charleston County Council election districts, unless the Charleston County Legislative Delegation apportions the election districts differently. Each district shall be assigned a numeric district designation.

(2) One member of the Charleston County School District Board of Trustees must be elected from each of the nine defined single-member election districts. A school district board member must be a qualified elector of the election district from which he is elected. Candidates for

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election shall file a statement of candidacy with the Charleston County Board of Voter Registration and Elections as provided in Section 7-13-352.

(B)(1) In the 2022 General Election, the members of the Charleston County School District Board of Trustees elected from:

(a) Districts 1, 3, 5, 7, and 9 shall serve terms of four years each and until their successors are elected and qualify; and

(b) Districts 2, 4, 6, and 8 shall serve terms of two years each and until their successors are elected and qualify.

(2) Members of the Charleston County School District Board of Trustees elected at the General Election of 2024, and thereafter, shall be elected to four-year terms. All members of the board shall serve until their successors are elected and qualify.

(C) The Charleston County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Charleston 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 of 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 consolidated school district elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.”/

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the third time and ordered returned to the House.

OBJECTION

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

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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.

Senator BENNETT explained the Bill.

Senator SCOTT objected to further consideration of the Bill.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

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 DEFINE 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, AND TO PROVIDE REMEDIES FOR VIOLATIONS; AND TO PROVIDE RELATED FINDINGS AND EXPRESS RELATED POLICIES.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 1041 -- Senator Climer: A BILL TO AMEND SECTION 39-20-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO ADD THE DEFINITION OF "LATE FEE"; TO AMEND SECTION

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39-20-30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

S. 977 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUMES 11A AND 20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2020.

On motion of Senator YOUNG.

OBJECTION

S. 461 -- Senators Sheheen, Gambrell, Alexander, Cash and Senn: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

Senator MASSEY objected to further consideration of the Bill.

S. 1212--Ordered to a Second and Third Reading

S. 1212 -- Senators Cromer, Sabb, Davis and Kimpson: A JOINT RESOLUTION TO SUSPEND ANY REQUIREMENT THAT A SCHOOL BOARD CANDIDATE MUST COLLECT PETITION SIGNATURES TO RUN FOR A SCHOOL BOARD SEAT UNTIL DECEMBER 31, 2020.

On motion of Senator CROMER, with unanimous consent, the Senate proceeded to consideration of the Resolution.

Senator CROMER explained on the Resolution.

On motion of Senator CROMER, with unanimous consent, S. 1212 was ordered to receive a second reading on Wednesday, May 13, 2020, and a third reading on Thursday, May 14, 2020.

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ADOPTED

S. 1201 -- Senators Cash, Martin, Rice, Loftis, Corbin, Turner, Grooms, Gambrell, Talley, Massey, Climer and Verdin: A CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF THE GENERAL ASSEMBLY THAT THE GOVERNOR IS NOT AUTHORIZED TO DECLARE SUCCESSIVE STATES OF EMERGENCY THAT ARE BASED UPON THE SCOPE OF IMPACT OF THE EVENT OR OCCURRENCE THAT WAS THE BASIS FOR THE STATE OF EMERGENCY. FURTHER, TO EXPRESS THE SENSE OF THE GENERAL ASSEMBLY THAT A STATE OF EMERGENCY DECLARED BY THE GOVERNOR MAY NOT LAST LONGER THAN FIFTEEN DAYS WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, THAT THE GOVERNOR HAS A DUTY TO REQUEST AN EXTENSION IF HE BELIEVES THAT THE EMERGENCY WILL EXTEND BEYOND FIFTEEN DAYS, AND THAT WITHOUT EXPRESS CONSENT FROM THE GENERAL ASSEMBLY THE STATE OF EMERGENCY EXPIRES FIFTEEN DAYS AFTER IT IS DECLARED.

The Senate proceeded to a consideration of the Resolution.

Senator CASH asked unanimous consent for immediate consideration.

Senator CASH spoke on the Resolution.

Senator KIMPSON spoke on the Resolution.

Senator CLIMER spoke on the Resolution.

Senator MALLOY spoke on the Resolution.

Senator CLIMER spoke on the Resolution.

Senator CLIMER proposed the following amendment (1201R001.SP.WC), which was not adopted:

Amend the bill, as and if amended, page 3, line 39 by inserting the following:

/ Be it further resolved that the General Assembly hereby consents to an extension of the Governor's current state of emergency to ensure that the State receives federal 'Coronavirus Aid, Relief, and Economic Security Act' (CARES Act) funds, may continue to receive other economic assistance for businesses and individuals from the federal government, may continue to provide state-level economic assistance to businesses and individuals, maintain school closures, and maintain activation of the national guard as provided by the Governor's Executive Orders. This extension shall last only so long as is necessary to satisfy the conditions contained herein.

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Be it further resolved by the Senate, the House of Representatives concurring, that it is the sense of the General Assembly that the Governor immediately rescind any and all remaining executive orders imposing a 'stay at work or home' requirement and closing businesses. It is further the sense of the General Assembly that the Governor shall not issue future executive orders imposing 'stay at work or home' requirements or closing businesses. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 9; Nays 26

AYES

Cash	Climer	Corbin
Goldfinch	Grooms	Loftis
Martin	Rice	Verdin

Total--9

NAYS

Alexander	Allen	Bennett
Cromer	Davis	Fanning
Gambrell	Hembree	Hutto
Jackson	Johnson	Kimpson
Malloy	Massey	McElveen
Peeler	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Talley	Turner
Williams	Young	

Total--26

Having failed to receive the necessary votes, the amendment failed.

Senator ALEXANDER spoke on the Resolution.

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Remarks by Senator ALEXANDER

Thank you Mr. PRESIDENT and I will be brief. I could not let it go without saying a couple things. I appreciate the work and the sincerity of work from Senator CASH. I also appreciate the work of our Governor of this State, Henry McMaster. I can't imagine what it's been like to be in those shoes, making those difficult, tough decisions in these last eight to ten weeks that we have been dealing with this. Every virus state in the nation is under a state of emergency. The nation is under a state of emergency. Today, as we are here doing other work, I personally just don't feel comfortable that now is the time for us to be passing a Resolution that sends this signal.

The Governor is continuing to work for the people of South Carolina, for their health and well-being. I can't begin to imagine how many peoples' lives have been saved because of his actions and prevention that has occurred from that standpoint, and the people have been doing what has been asked of them to do. Not getting into those things, but the social distancing, cleaning their hands and other things that we are supposed to be doing has saved the lives of South Carolinians.

So today, under the circumstances, I do not feel comfortable and will not be supporting this Resolution today. There will be another day in my opinion, for us to discuss what we need to be doing going forward and a policy that addresses these Executive Orders -- States of Emergencies and things of that nature, but today is not the day for us to be addressing this. I will be casting my vote against the Resolution and wish the Governor Godspeed in the work he has continued to do for the people of this State.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator ALEXANDER, were ordered printed in the Journal.

The question then was the adoption of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 17; Nays 16; Present 1

AYES

Bennett	Cash	Climer
Corbin	Gambrell	Goldfinch
Grooms	Loftis	Martin
Massey	Peeler	Rankin

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Rice	Talley	Turner
Verdin	Young	

Total--17

NAYS

Alexander	Allen	Cromer
Davis	Fanning	Hembree
Hutto	Jackson	Johnson
Kimpson	Malloy	Reese
Sabb	Scott	Setzler
Williams		

Total--16

PRESENT

McElveen

Total--1

The Resolution was adopted and sent to the House.

READ THE SECOND TIME

S. 1048 -- Senators Rice, Rankin, Campbell and Alexander: A BILL TO AMEND SECTION 13-1-1030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERS SERVING ON THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT A RESIDENT COMMISSION MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS; AND TO AMEND SECTION 13-1-1050, RELATING TO THE TERMS OF THE AERONAUTICS COMMISSION, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis

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Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

S. 1048--Ordered to a Third Reading

On motion of Senator RICE, with unanimous consent, S. 1048 was ordered to receive a third reading on Wednesday, May 13, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 1068 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (1068R001.KMM.GEC), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

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/SECTION __. Section 50-9-920(B) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“() resident and nonresident migratory waterfowl permit shall be used for the management of waterfowl habitats and for the development, protection, and propagation of waterfowl in this State, provided that no revenue generated from the sale of a waterfowl permit may be expended for administrative salaries.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

McElveen

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 891 -- Senator Shealy: A BILL TO AMEND SECTION 61-4-90(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF BEER OR WINE FOR UNDERAGE PERSON'S CONSUMPTION, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO AMEND SECTION 61-6-4070(A), RELATING TO THE TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO REPEAL SECTION 61-4-100, RELATING TO CRIMINAL CHARGES BROUGHT AGAINST BOTH A SELLER AND PURCHASER; AND TO REPEAL SECTION 61-6-4085, RELATING TO CHARGES AGAINST A SELLER AND MINOR PURCHASER.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0891.002), which was adopted:

Amend the bill, as and if amended, beginning on page 1, by striking lines 40 through 42, and continuing on page 2, by striking lines 1 through 2, as contained in SECTION 1, and inserting therein the following:

/ transfer or sale of beer and wine to a minor. If the person recruited and authorized by a law enforcement agency to test such compliance is under the age of eighteen years, then the testing must be under the direct supervision of a law enforcement agency, and the agency must have the person's parental consent. A person who ~~violates this section~~ transfers or gives to a person under the age of twenty-one years for the purpose of consumption of beer or wine is guilty of a misdemeanor and, upon conviction: /

Amend the bill further, as and if amended, page 2, by striking lines 18 through 22, as contained in SECTION 2, and inserting therein the following:

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/ transfer or sale of alcoholic liquors to a minor. If the person recruited and authorized by a law enforcement agency to test such compliance is under the age of eighteen years, then the testing must be under the direct supervision of a law enforcement agency, and the agency must have the person's parental consent. A person who ~~violates this section~~ transfers or gives to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors is guilty of a misdemeanor and, upon conviction: /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

READ THE SECOND TIME

S. 922 -- Senator Climer: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060, SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

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The Bill was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 987 -- Senator Hembree: A BILL TO AMEND SECTION 23-35-175, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCHARGE OF FIREWORKS AND CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "FIREWORKS PROHIBITED ZONE" TO INCLUDE ANY PUBLIC BEACH OR PUBLIC BEACH ACCESS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0987.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 24 through 27, in Section 23-35-175(A)(2), as contained in SECTION 1, and inserting therein the following:

/ "(2) 'Fireworks Prohibited Zone' means:

(a) any public beach or public beach access that a local governing body has:

(i) designated by resolution as an area in which fireworks are prohibited from being knowingly and wilfully discharged, and

(ii) posted with appropriate signs or placards indicating that the area is a Fireworks Prohibited Zone; or

(b) property designated through the processes in this section as an area in which fireworks are prohibited from being knowingly and wilfully discharged." /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The amendment was adopted.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

COMMITTEE AMENDMENT ADOPTED

AMENDED, READ THE SECOND TIME

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

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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 Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0993.003), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Section 61-4-730 of the 1976 Code is amended to read:

“Section 61-4-730. (A) Permitted wineries that produce and sell wine produced on its premises with at least sixty percent of the juice from fruit and berries that are grown in this State may sell the wine at retail, wholesale, or both, and deliver or ship the wine to licensed retailers in this State or to consumer homes in and outside the State, and are eligible for a special permit pursuant to Section 61-4-550. Wine must be delivered between 7:00 a.m. and 7:00 p.m. Income from wine sold at events for which a special permit has been issued must not exceed ten percent of a permitted winery’s gross income per year from wine sales and the income must be derived from sales at events that are promotional in nature.”

(B) Permitted wineries that produce and sell wine produced on their premises with less than sixty percent of the juice from fruit and berries that are grown in this State may retail from the winery and ship the wine directly to consumer homes in and outside the State, but these wineries are not wholesalers of the wine. These wineries shall use a licensed South Carolina wholesaler to deliver or ship the wine to licensed retailers in this State.

(C) The South Carolina Department of Agriculture shall periodically inspect the records of permitted wineries for verification of the percentage of juice from fruit and berries grown in this State used in the manufacturing of the wineries' products. Within ten days of conducting an inspection, the South Carolina Department of Agriculture shall report its findings to the South Carolina Department of Revenue. If a winery is found to be in violation of this statute, the owner of the winery is subject to penalties pursuant to Section 61-4-780.”

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SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator TURNER explained the committee amendment.

The amendment was adopted.

Senator HARPOOTLIAN proposed the following amendment (JUD0993.005), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Section 61-4-730 of the 1976 Code is amended to read:

“Section 61-4-730. (A) Permitted wineries that produce and sell wine produced on its premises with at least sixty percent of the juice from fruit and berries that are grown in this State may sell the wine at retail, wholesale, or both, and deliver or ship the wine to licensed retailers in this State or to consumer homes in and outside the State, and are eligible for a special permit pursuant to Section 61-4-550. Wine must be delivered between 7:00 a.m. and 7:00 p.m. Gross income from wine sold at events for which a special permit has been issued must not exceed ten percent of a permitted winery’s gross income per year from wine sales and that income must be derived from sales at events that are promotional in nature.

(B) Permitted wineries that produce and sell wine produced on their premises with less than sixty percent of the juice from fruit and berries that are grown in this State may retail from the winery and ship the wine directly to consumer homes in and outside the State, but these wineries are not wholesalers of the wine. These wineries shall use a licensed South Carolina wholesaler to deliver or ship the wine to licensed retailers in this State.

(C) The South Carolina Department of Agriculture shall periodically inspect the records of permitted wineries for verification of the percentage of juice from fruit and berries grown in this State used in the manufacturing of the wineries' products. Within ten days of conducting an inspection, the South Carolina Department of Agriculture shall report its findings to the South Carolina Department of Revenue. If a winery is found to be in violation of this statute, the owner of the winery is subject to penalties pursuant to Section 61-4-780.”

SECTION 2. This act takes effect upon approval by the Governor. /

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Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The amendment was adopted.

Senators BENNETT, TURNER and TALLEY proposed the following amendment (993R001.SP.SMB), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. A. Section 61-4-1515(E) of the 1976 Code is amended to read:

“(E) A brewery located in this State is authorized to sell beer on its permitted premises for off-premises consumption, provided that the sealed beer was brewed on the brewery's permitted premises with an alcohol content of fourteen percent by weight or less, subject to the following conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off-premises consumption shall be equivalent to ~~two hundred eighty-eight~~ five hundred seventy-six ounces in total;

(2) ~~the beer only shall be sold in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;~~

(3) the beer sold is for personal use only and must not be resold;

(4)(3) the beer must not be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5)(4) the brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located; and

(6)(5) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12-21-1020 and Section 12-21-1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.”

B. This SECTION is effective upon approval by the Governor and expires on May 31, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

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The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 2

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--36

NAYS

Corbin	Loftis
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Total--2

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT

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CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1099.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 17, in Section 61-4-942, as contained in SECTION 1, and inserting therein the following:

/ any quantity of beer exceeding any order or forecast submitted by /

Amend the bill further, as and if amended, page 2, by striking lines 29 through 31, in Section 61-4-942, as contained in SECTION 1, and inserting therein the following:

/ required to maintain electronic data in a format compatible with data format standards adopted by a manufacturer, brewer, or importer; or /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the committee amendment.

The amendment was adopted.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

READ THE SECOND TIME

S. 1115 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY

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ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE'S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE

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BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645,

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RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTER 12 OF TITLE 34 RELATING TO COUNTY AND MULTI-COUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley

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Turner
Young

Verdin

Williams

Total--37

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

CARRIED OVER

S. 1165 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO RENEWAL OF CREDENTIALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4920, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator HEMBREE, the Resolution was carried over.

CARRIED OVER

S. 1166 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4918, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator HEMBREE, the Resolution was carried over.

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READ THE SECOND TIME

S. 1167 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO E-FILING AND E-SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4879, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

Senator HUTTO explained the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

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Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Resolution was ordered to receive a third reading on Wednesday, May 13, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 753 -- Senators Gambrell and Cash: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (CZ\753C001.DF.CZ20), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 2 and 3 and inserting:

/ SECTION 2. On July 1, 2020, the State Treasurer shall transfer to the V-SAFE Program any funds in the aid to fire districts account that are attributable to insurance premium taxes credited to the account pursuant to Section 38-7-20.

SECTION 3. This act takes effect on July 1, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson

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Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

READ THE SECOND TIME

S. 1020 -- Senator Climer: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD THE CRESCENT AND HANDS MILL 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 the consideration of the Bill.

Senator CLIMER explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis

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Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

READ THE SECOND TIME

S. 1045 -- Senator Goldfinch: A BILL TO AMEND SECTION 7-7-270(B), AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE 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 the consideration of the Bill.

Senator GOLDFINCH explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
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Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

The Senate proceeded to the consideration of the Bill.

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The Committee on Banking and Insurance proposed the following amendment (CZ\1071C001.DF.CZ20), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 23-9-197(A)(3) and inserting:

/ (3) 'Firefighter' means any person, male or female, paid or unpaid, who engages in rescue, fire suppression, or related activities under the supervision of a fire chief or fire department or who is employed by the State Commission of Forestry or a forestry district for the purpose of fire protection. /

Amend the bill further, SECTION 2, by striking Section 38-7-30 and inserting:

/ "Section 38-7-30. Any expenses, including expenses of counsel, detectives, and officers, incurred by the discrimination in rates, must be defrayed by the fire insurance companies doing business in this State, and a tax of one percent on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium deposits of all fire insurance companies is levied for this purpose, to be collected by the director or his designee as other taxes on fire insurance companies are collected. The director or his designee shall keep a separate account of all monies received and disbursed under the provisions of this section and shall include the account in his annual report. Fifty Seventy-five percent of the one percent tax levied in this section must be directed to the Division of Fire and Life Safety of the Department of Labor, Licensing and Regulation to be used only for expenses of this division. ~~For fiscal year 1997-98 only, the fifty percent of the tax levied by this section that is directed to the Department of Labor, Licensing and Regulation is capped at \$2,567,325.~~ The department shall report annually to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee where any growth above the base authorization for the preceding is expended and for what purposes within the Division of Fire and Life Safety. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The amendment was adopted.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, the Bill was ordered to receive a third reading on Wednesday, May 13, 2020.

CARRIED OVER

S. 1174 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, RELATING TO PARKING AND TRAFFIC REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4933, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator HEMBREE, the Resolution was carried over.

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CARRIED OVER

S. 1175 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO DETERMINATION OF RATES OF TUITION AND FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4913, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator HEMBREE, the Resolution was carried over.

CARRIED OVER

S. 1176 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4936, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator HEMBREE, the Resolution was carried over.

CARRIED OVER

S. 1177 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LICENSING CRITERIA, DESIGNATED AS REGULATION DOCUMENT NUMBER 4935, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator HEMBREE, the Resolution was carried over.

CARRIED OVER

S. 1179 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO NAMED STORM AND WIND/HAIL DEDUCTIBLE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4878, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Resolution was carried over.

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CARRIED OVER

S. 1180 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK CASHING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4934, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Resolution was carried over.

ADOPTED

S. 873 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE MAY 12, 2020, AS “MYALGIC ENCEPHALOMYELITIS AWARENESS DAY” AND THE MONTH OF MAY, ANNUALLY, AS “MYALGIC ENCEPHALOMYELITIS AWARENESS MONTH” IN SOUTH CAROLINA IN ORDER TO HELP SPREAD AWARENESS OF THE DISEASE AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS LIVING WITH MYALGIC ENCEPHALOMYELITIS.

The Resolution was adopted, ordered sent to the House.

H. 5040 -- Reps. Garvin, Rutherford, Bales, Ballentine, Bernstein, Brawley, Finlay, Hart, Howard, McDaniel, Rose and Thigpen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF LADY STREET AND MILLWOOD AVENUE IN THE CITY OF COLUMBIA “REVEREND BLAKELY N. SCOTT INTERSECTION” AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

MOTION ADOPTED

On motion of Senator MASSEY, the Senate agreed that, if and when the Senate adjourns today, the Senate will stand adjourned to meet in Statewide Session on Wednesday, May 13, 2020, and Thursday, May 14, 2020, under the provisions of Rule 1B.

TUESDAY, MAY 12, 2020

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**S. 601--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

On motion of Senator YOUNG, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator YOUNG spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Jackson
Johnson	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Reese	Rice	Sabb
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--38

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NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

S. 601--Conference Report

The General Assembly, Columbia, S.C., May 7, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

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 63-7-2350 of the 1976 Code, as last amended by Act 146 of 2018, is further amended to read:

“Section 63-7-2350. (A) No child in the custody of the Department of Social Services may be placed in ~~foster care or for adoption~~ a foster home, adoptive home, or residential facility with a person if the person or anyone eighteen years of age or older residing in the home or a person working in the residential facility:

(1) has a substantiated history of child abuse or neglect; or

(2) has pled guilty or nolo contendere to or has been convicted of:

(a) an ‘Offense Against the Person’ as provided for in Chapter 3, Title 16;

(b) an ‘Offense Against Morality or Decency’ as provided for in Chapter 15, Title 16;

(c) contributing to the delinquency of a minor as provided for in Section 16-17-490;

(d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;

(e) criminal domestic violence as defined in Section 16-25-20;

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(f) criminal domestic violence of a high and aggravated nature as defined in Section 16-25-65;

(g) a felony drug-related offense under the laws of this State;

(h) unlawful conduct toward a child as provided for in Section 63-5-70;

(i) cruelty to children as provided for in Section 63-5-80;

(j) child endangerment as provided for in Section 56-5-2947; or

(k) criminal sexual conduct with a minor in the first degree as provided for in Section 16-3-655(A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) At a minimum, the department shall require that all persons referenced in subsection (A) undergo a ~~state~~ fingerprint review to be conducted by the State Law Enforcement Division and a fingerprint review to be conducted by the Federal Bureau of Investigation. The department also shall check the State Central Registry of Child Abuse and Neglect, department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for licensure as a foster parent, the ~~national sex offender registry~~ National Sex Offender Registry, and the state sex offender registry for applicants and all persons twelve years of age and older residing in the home of an applicant.

(D) This section does not prevent ~~foster care placement or adoption~~ placement in a foster home, adoptive home, or residential facility when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.

(E) For the purposes of this section, 'residential facility' means a group home, residential treatment center, or other facility that, pursuant to a contract with or a license or permit issued by the department, provides residential services to children in the custody of the department. This includes, but is not limited to, child caring institutions, emergency shelters, group homes, wilderness therapeutic camps, and organizations with supervised individual living facilities."

TUESDAY, MAY 12, 2020

SECTION 2. This act takes effect upon approval by the Governor.

/

Amend title to read:

/ TO AMEND SECTION 63-7-2350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED. /

/s/Sen. Katrina Frye Shealy

/s/Sen. Brad Hutto

/s/Sen. Tom Young Jr.

IV

On Part of the Senate.

/s/Rep. Beth E. Bernstein

Rep. Neal Anthony Collins

/s/Rep. Micajah P. "Micah" Caskey

On Part of the House.

, and a message was sent to the House accordingly.

**S. 601--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO

TUESDAY, MAY 12, 2020

AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

Very respectfully,

Speaker of the House

Received as information.

**S. 76--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF
FREE CONFERENCE ADOPTED**

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

On motion of Senator CROMER , with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CROMER spoke on the report.

**S. 76--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator CROMER 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	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms

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Harpootlian	Hembree	Hutto
Jackson	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

Free Conference Powers were granted.

Whereupon, Senators CROMER, SCOTT and CORBIN 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 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Verdin

Talley
Williams

Turner
Young

Total--39

NAYS

Total--0

On motion of Senator CROMER, the Report of the Committee of Free Conference to S. 76 was adopted as follows:

S. 76--Free Conference Report

The General Assembly, Columbia, S.C., May 12, 2020

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

S. 76 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; AND TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO MAKE A CONFORMING CHANGE.

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 48-52-870(A) of the 1976 Code is amended to read:

“(A) The Energy Efficient Manufactured Homes Incentive Program is established to provide financial incentives for the purchase and installation of energy efficient manufactured homes in South Carolina. Any person who purchases a manufactured home designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each agency’s energy saving efficiency requirements or which has been designated as meeting or exceeding such requirements under each agency’s ENERGY STAR program from a retail dealership licensed by the South Carolina Manufactured Housing Board for use in this State is eligible for a nonrefundable income tax credit equal to seven hundred fifty dollars.

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The credit may be claimed beginning July 1, 2009, and no later than July 1, ~~2019~~ 2024.”

SECTION 2. The first undesignated paragraph after the last item of Section 12-36-2110(B) of the 1976 Code is amended to read:

“However, a manufactured home is exempt from any tax in excess of three hundred dollars that may be due as a result of the calculation in item (4) if it meets these energy efficiency levels: storm or double pane glass windows, insulated or storm doors, a minimum thermal resistance rating of the insulation only of R-11 for walls, R-19 for floors, and R-30 for ceilings. However, variations in the energy efficiency levels for walls, floors, and ceilings are allowed and the exemption on tax due above three hundred dollars applies if the total heat loss does not exceed that calculated using the levels of R-11 for walls, R-19 for floors, and R-30 for ceilings. The edition of the American Society of Heating, Refrigerating, and Air Conditioning Engineers Guide in effect at the time is the source for heat loss calculation. Notwithstanding the provisions of this subsection, from July 1, 2009, to July 1, ~~2019~~ 2024, a manufactured home is exempt from any tax that may be due as a result of the calculation in this subsection if it has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each agency’s energy saving efficiency requirements or has been designated as meeting or exceeding such requirements under each agency’s ENERGY STAR program. The dealer selling the manufactured home must maintain records, on forms provided by the State Energy Office, on each manufactured home sold that meets the energy efficiency levels provided for in this subsection. These records must be maintained for three years and must be made available for inspection upon request of the Department of Consumer Affairs or the State Energy Office.”

SECTION 3. A. Section 1.B. of Act 80 of 2013 is amended to read:

“B. The provisions of Chapter 44, Title 11, contained in this act are repealed on December 31, ~~2019~~ 2025. Any carry forward credits shall continue to be allowed until the ten year time period in Section 11-44-40(B) is completed.”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2019. The provisions of Chapter 44, Title 11, as they existed on December 31, 2019, are re-enacted, and the tax credits earned pursuant to this SECTION shall be earned and claimed under the same terms and conditions as they existed on December 31, 2019. This SECTION shall continue to apply until such time as Chapter 44, Title 11, or parts thereof, are otherwise repealed, mutatis mutandis.

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SECTION 4. This act takes effect upon approval by the Governor. /
Amend title to conform.

/s/Sen. Ronnie W. Cromer	/s/Rep. Alan D. Clemmons
/s/Sen. John L. Scott, Jr.	Rep. "Leon" Stavrinakis
/s/Sen. Thomas D. "Tom" Corbin	/s/Rep. Dennis Carroll Moss
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

**S. 76--REPORT OF COMMITTEE OF FREE CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

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., May 12, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: 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, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

Very respectfully,

Speaker of the House

Received as information.

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On motion of Senator MASSEY, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: 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, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator ALEXANDER explained the amendments.

Senator HUTTO spoke on the Bill.

Senator MARTIN spoke on the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 8

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Cromer	Davis	Fanning
Gambrell	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Malloy	Massey	McElveen
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Senn	Setzler	Shealy
Turner	Williams	Young

Total--33

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NAYS

Climer	Corbin	Goldfinch
Loftis	Martin	Rice
Talley	Verdin	

Total--8

On motion of Senator ALEXANDER, 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.

MOTION ADOPTED

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2018, and to expire June 30, 2022

7th Congressional District:

Stephanie M. Rawlinson, 1825 Brigadoone Lane, Florence, SC 29505-3236

On motion of Senator VERDIN, the question was confirmation of Stephanie M. Rawlinson.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
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Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Jackson
Johnson	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Stephanie M. Rawlinson was confirmed.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2018, and to expire June 30, 2022

6th Congressional District:

Eddie L. Miller, Jr., 2110 Avenue A, Mayesville, SC 29104-8917

On motion of Senator VERDIN, the question was confirmation of Eddie L. Miller, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Jackson

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Johnson	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The appointment of Eddie L. Miller, Jr. was confirmed.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Sophia T. Henderson, 1145 Oakman Branch, Walterboro, SC 29488-7877

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Harriett A. Bonds, 103 Silverhill Rd., Walterboro, SC 29488-3555

Initial Appointment, Saluda County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

William Robin Freeman, 3690 Hollywood Rd., Chappells, SC 29037-9436 VICE Hon. D. Bruce Horn - retired 1/31/20

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Catherine Badgett, P. O. Box 2020, Ridgeland, SC 29936-2635

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Reappointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jacqueline S. Lee, P. O. Box 639, Ridgeland, SC 29936-2611

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Sydney JoAnne McDonald, 358 3rd Ave., Ridgeland, SC 29936-8785

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 12, 2020, at 7:30 P.M. and the following Acts were ratified:

(R138, S. 635) -- Senator Young: AN ACT TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO REQUIRE THE NOTICE TO STATE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES CONTAINING THE ABSENTEE BALLOTS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-420, RELATING TO THE RECEIPT, TABULATION, AND REPORTING OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT THE PROCESS OF EXAMINING THE RETURN-ADDRESSED ENVELOPES THAT HAVE BEEN RECEIVED BY THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MAY BEGIN AT 9:00 A.M. ON THE CALENDAR DAY IMMEDIATELY PRECEDING ELECTION DAY; TO AMEND SECTION 7-15-470, RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS, SO AS TO MODIFY THE REQUIREMENTS NEEDED TO OBTAIN THE STATE ELECTION COMMISSION CERTIFICATION BEFORE USING A NONPAPER-BASED VOTING MACHINE OR VOTING SYSTEM FOR IN-PERSON ABSENTEE VOTING; TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SOFTWARE UPDATE TO ITS ELECTRONIC VOTING MACHINES TO ALLOW FOR CHALLENGES TO ABSENTEE VOTES CAST USING THE MACHINES IN AN EQUIVALENT MANNER TO CHALLENGES TO ABSENTEE VOTES CAST ON ELECTRONIC VOTING MACHINES IN THE 2018 GENERAL ELECTION; TO AMEND SECTION 7-15-330, RELATING TO THE TIME OF APPLICATION

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FOR ABSENTEE BALLOTS AND APPLICATIONS IN PERSON, SO AS TO REQUIRE THE BOARD OF VOTER REGISTRATION AND ELECTIONS TO KEEP A RECORD OF THE DATE AND METHOD UPON WHICH THE ABSENTEE BALLOT IS RETURNED; TO AMEND SECTION 7-15-440, RELATING TO THE LIST OF PERSONS ISSUED AND WHO MAY CAST ABSENTEE BALLOTS, SO AS TO CLARIFY THAT THE LIST IS IN ADDITION TO THE INFORMATION PROVIDED PURSUANT TO SECTION 7-15-330; BY ADDING SECTION 7-13-825 SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION AND EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS MUST POST THE REQUIREMENTS TO CHALLENGE A BALLOT IN A CONSPICUOUS LOCATION IN THEIR RESPECTIVE OFFICES AND WEBSITES; TO REPEAL CERTAIN SUBSECTIONS OF SECTION 1 OF THE ACT ON DECEMBER 31, 2021; AND TO PROVIDE THAT A QUALIFIED ELECTOR MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN AN ELECTION IF THE QUALIFIED ELECTOR'S PLACE OF RESIDENCE OR POLLING PLACE IS LOCATED IN AN AREA SUBJECT TO A STATE OF EMERGENCY DECLARED BY THE GOVERNOR AND THERE ARE FEWER THAN FORTY-SIX DAYS REMAINING UNTIL THE DATE OF THE ELECTION AND PROVIDE THAT THIS PROVISION EXPIRES ON JULY 1, 2020.

L:\COUNCIL\ACTS\635AHB20.DOCX

(R139, H. 3309) -- Reps. Cobb-Hunter, Thigpen, Henderson-Myers, Collins, Rose, Dillard, Caskey, Bannister, Norrell and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL CREATE AND OPERATE A STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM.

L:\COUNCIL\ACTS\3309AHB20.DOCX

(R140, H. 3411) -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT

TUESDAY, MAY 12, 2020

BEEN ENACTED BY THAT DATE AND TO REGULATE THE EXPENDITURE OF SUCH FUNDS, TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019-2020 TO COMBAT THE COVID-19 VIRUS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THE PUBLIC HEALTH CRISIS CAUSED BY THE COVID-19 VIRUS.

L:\COUNCIL\ACTS\3411DG20.DOCX

(R141, H. 3967) -- Reps. Mace, Trantham, Kimmons, Crawford, Henderson-Myers, Bernstein, McCoy, Fry, Magnuson, Allison, Henegan, Thayer, Cobb-Hunter, King, Brawley, Dillard, Davis, Hewitt, Spires, Collins, Sottile, Daning, Cogswell, Taylor, Atkinson, Ballentine, Bannister, Bennett, Clary, Elliott, Huggins, Long, McDaniel, McKnight, Pendarvis, Rutherford, Matthews, G.R. Smith, Garvin, Rose, B. Cox, Caskey, Moore and Hill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-35 SO AS TO PROVIDE REQUIREMENTS CONCERNING THE TREATMENT OF FEMALE INMATES, AND TO PROVIDE REQUIREMENTS FOR THE AUTHORIZATION OF PERIODIC VISITS BETWEEN SUCH INMATES AND THEIR MINOR DEPENDENTS.

L:\COUNCIL\ACTS\3967WAB20.DOCX

(R142, H. 3998) -- Reps. Bannister, Bernstein, Crawford, Pendarvis, Garvin, Herbkersman, Hosey, Alexander, Bales, Stavrinakis, Cogswell, Whitmire, Norrell, Cobb-Hunter, Dillard, Elliott, Moore, Mack, Rutherford, Govan, Bennett, Clemmons, Funderburk, Hayes, McDaniel, Ridgeway, G.M. Smith, G.R. Smith, Sottile, Weeks, Wheeler, S. Williams, Davis, Rivers, Brown, Jefferson, R. Williams, Henderson-Myers, Matthews and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT" BY ADDING SECTION 12-6-3795 SO AS TO ALLOW A TAXPAYER ELIGIBLE FOR THE FEDERAL HOUSING TAX CREDIT TO CLAIM A SOUTH CAROLINA HOUSING TAX CREDIT.

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TUESDAY, MAY 12, 2020

REPORT RECEIVED

**College and University Trustee Screening Commission
Report to the General Assembly**

The College and University Trustee Screening Commission found the following individuals qualified and nominated for the Trustee seats to which they applied. A complete transcript of the hearings for these candidates will be printed in today's Senate and House Journals.

THE CITADEL

At-Large (two seats) - term expires June 30, 2024

Stanley L. Myers -- West Columbia

Fred L. Price -- Columbia

CLEMSON UNIVERSITY

At-Large (three seats) - term expires June 30, 2024

Ronald D. Lee -- Aiken

Louis B. Lynn -- Columbia

Robert L. Peeler -- Lexington

John W. Pettigrew, Jr. -- Aiken

COASTAL CAROLINA UNIVERSITY

5th Congressional District - seat 5 - term expires June 30, 2024

Lisa Mabry Davis -- Gaffney

COLLEGE OF CHARLESTON

1st Congressional District - seat 2 - term expires June 30, 2024

Andrew A. Gianoukos -- Charleston

2nd Congressional District - seat 4 - term expires June 30, 2024

Brian J. Stern -- Columbia

3rd Congressional District - seat 6 - term expires June 30, 2024

Craig C. Thornton -- Anderson

4th Congressional District - seat 8 - term expires June 30, 2024

Renee B. Romberger -- Greenville

5th Congressional District - seat 10 - term expires June 30, 2024

R. McLaurin Burch III -- Camden

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6th Congressional District - seat 12 - term expires June 30, 2024

Randy E. Adkins, Jr. -- North Charleston
Ricci L. Welch -- Manning

7th Congressional District - seat 14 - term expires June 30, 2024

Penny S. Rosner -- Myrtle Beach

At-Large - seat 16 - term expires June 30, 2024

David M. Hay -- Charleston

FRANCIS MARION UNIVERSITY

2nd Congressional District - seat 2 - term expires June 30, 2024

Benjamin I. Duncan II -- Columbia

3rd Congressional District - seat 3 - term expires June 30, 2024

R. Tracy Freeman -- North Augusta

4th Congressional District - seat 4 - term expires June 30, 2024

Benny J. "Jody" Bryson -- Greenville

7th Congressional District - seat 7 - term expires June 30, 2024

George C. McIntyre -- Bennettsville

At-Large - seat 9 - term expires June 30, 2024

Karen A. Leatherman -- Florence

At-Large - seat 11 - term expires June 30, 2024

H. Randall Dozier -- Murrells Inlet

At-Large - seat 13 - term expires June 30, 2024

Patricia C. Hartung -- Greenwood

At-large - seat 15 - term expires June 30, 2024

William W. Coleman -- Florence

LANDER UNIVERSITY

1st Congressional District - term expires June 30, 2024

Cary C. Corbitt -- Hilton Head

2nd Congressional District - term expires June 30, 2024

Angela G. Strickland -- Chapin

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3rd Congressional District - term expires June 30, 2024

Linda L. Dolny -- Clinton

4th Congressional District - term expires June 30, 2024

Terry O. Pruitt -- Spartanburg
James C. Shubert -- Simpsonville

5th Congressional District - term expires June 30, 2024

S. Anne Walker -- Sumter

6th Congressional District - term expires June 30, 2024

Robert F. Sabalis -- Orangeburg

7th Congressional District - term expires June 30, 2024

Catherine K. Lee -- Florence

MEDICAL UNIVERSITY OF SOUTH CAROLINA

1st Congressional District - nonmedical seat - term expires June 30, 2024

Michael E. Stavrinakis -- Charleston

2nd Congressional District- nonmedical seat- term expires June 30, 2024

William H. Bingham, Sr. -- Cayce

3rd Congressional District- nonmedical seat - term expires June 30, 2024

Charles W. Schulze -- Greenwood

4th Congressional District - medical seat - term expires June 30, 2024

H. Frederick Butehorn III -- Spartanburg

5th Congressional District - medical seat - term expires June 30, 2024

G. Murrell Smith, Sr. -- Sumter

6th Congressional District- nonmedical seat - term expires June 30, 2024

Barbara Johnson-Williams -- Orangeburg

7th Congressional District - medical seat - term expires June 30, 2024

Paul T. Davis -- Darlington

SOUTH CAROLINA STATE UNIVERSITY

2nd Congressional District - seat 2 - term expires June 30, 2024

Douglas D. Gantt -- North Augusta

Macie P. Smith -- Columbia

TUESDAY, MAY 12, 2020

4th Congressional District - seat 4 - term expires June 30, 2024
Jameel Allen, Sr. -- Greer

6th Congressional District - seat 6 - term expires June 30, 2024
Wilbur B. Shuler -- Orangeburg

At-Large - seat 8 - term expires June 30, 2024
Louvetta Roseboro Dicks -- Rock Hill
Doward Keith Harvin -- Florence

At-Large - seat 12 - term expires June 30, 2024
Ronald D. Friday -- Blythewood

UNIVERSITY OF SOUTH CAROLINA

2nd Judicial Circuit - term expires June 30, 2024
Miles Loadholt -- Barnwell

4th Judicial Circuit - term expires June 30, 2024
Eugene P. Warr, Jr. -- Lamar
James C. Williamson -- Cheraw

6th Judicial Circuit - term expires June 30, 2024
Hubert F. "Hugh" Mobley -- Lancaster
Spiro G. Poulos -- Chester

8th Judicial Circuit - term expires June 30, 2024
Brian C. Harlan -- Laurens

10th Judicial Circuit - term expires June 30, 2024
Donald L. "Chuck" Allen -- Anderson
Emma W. Morris -- Walhalla
Blair L. Stoudemire -- Seneca

14th Judicial Circuit - term expires June 30, 2024
Rose B. Newton -- Bluffton

15th Judicial Circuit - term expires June 30, 2024
J. Egerton Burroughs -- Conway
Jasper N. Ramsey, Jr. -- Myrtle Beach

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16th Judicial Circuit - term expires June 30, 2024

Leah B. Moody -- Rock Hill

WINTHROP UNIVERSITY

2nd Congressional District - seat 2 - term expires June 30, 2024

John E. Brazell -- Columbia

6th Congressional District - seat 6 - seat 2 - term expires June 30, 2024

Ashlye V. Wilkerson -- Columbia

At-Large - seat 9 - seat 2 - term expires June 30, 2024

J. Randall Imler -- Tega Cay

WIL LOU GRAY OPPORTUNITY SCHOOL

Three (3) At-large seats - seat 2 - term expires June 30, 2024

Doris M. Adams -- Columbia

Bryan B. England -- Georgetown

Kimberly L. Suber -- Chapin

Reginald J. Thomas -- Spartanburg

**STATE OF SOUTH CAROLINA
COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION**

Screenings held on the following dates:

Monday, February 10, 2020

Tuesday, February 11, 2020

Monday, February 24, 2020

Tuesday, February 25, 2020

Monday, March 2, 2020

Tuesday, March 3, 2020

Committee Members:

Chairman Senator Harvey S. Peeler, Jr.

Representative Gary E. Clary

Representative Sylleste H. Davis

Representative Richard C. King

Representative William R. Whitmire

Senator Thomas C. Alexander

Senator John L. Scott

Senator Daniel B. Verdin, III

TUESDAY, MAY 12, 2020

Martha Casto, Staff
Julie Price, Staff

THE CITADEL

CHAIRMAN SENATOR PEELER: I'd like to call the meeting to order of the College and University Trustee Screening Commission. May God continue to bless us all.

I will entertain a motion to go in executive session.

(Motion made and seconded.)

CHAIRMAN SENATOR PEELER: Executive session. I ask the folks, the people, to step outside, please.

(Committee in Executive Session.)

CHAIRMAN SENATOR PEELER: I'd like to call the meeting back to order. First up is the Citadel trustee at-large. Under Tab A, Fred L. Price from Columbia.

Mr. Price, if you would, come forward.

MR. PRICE: Yes, sir.

CHAIRMAN SENATOR PEELER: Get comfortable in your seat, and make sure your mic is on green so we'll know the microphone is working.

For the record, if you would, give us your full name.

MR. PRICE: My name is Fred Lewis Price, Jr.

CHAIRMAN SENATOR PEELER: Okay. I'll swear you in. Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. PRICE: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement on why you'd like to continue serving on the Citadel board?

MR. PRICE: Yes, sir, I would, if you don't mind.

I have really appreciated the opportunity to serve The Citadel. I was class of -- I graduated in 1975. I was first elected to the board of visitors by members of The Citadel alumni, and that was in 2007. And I was reelected to the board by y'all, the members of the General Assembly, and have been most appreciative of that, of being able to serve.

Prior to that, I was president of the Columbia area Citadel Club. I was a board member on the Association of Citadel Men since 1983. I was district director of The Citadel Alumni Association for 25 years. I was president of the Brigadier Foundation, which is our athletic fund-raising arm of The Citadel, in 1997. I served on that board for 16 years. And I was president of The Citadel Alumni Association in 2003.

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In 2013, I was elected chair of the board, and this past April, I was one of the few board members -- or one of the few chairs to be reelected for another term.

So since -- since 1983, with the exception of one year, I've had a volunteer position on some sort of Citadel board, mostly the money-raising aspects of the college. So I've been around the college for years now and know the staff and know the inner workings, and I just enjoy my volunteer position of being on the board.

Thank you, sir.

CHAIRMAN SENATOR PEELER: Staff, any information to share with us?

MS. CASTO: No, sir. Mr. Price's personal data questionnaire is behind Tab A in your notebook. The summary recap I've done is to the left-hand side, and everything is up-to-date. All of his paperwork is in order.

CHAIRMAN SENATOR PEELER: Any questions or comments from any members of the committee?

SENATOR VERDIN: Mr. President?

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Mr. Price, could you describe for us your role in the development and implementation of the cadet management scheme commonly referred to as the sophomore shuffle?

MR. PRICE: We hired General Glenn M. Walters, who was the ACMC of the Marine Corps, who was the Assistant Commandant of the Marine Corps. He was directly responsible for the education, training, and welfare of, I think, over 175,000 Marines.

It was his recommendation to the board to implement this plan called the sophomore shuffle, or also known as corps realignment, to help -- have -- members of the fourth class, when they move into their third class year, they start on a level playing field. They start in a new company.

I had several classmates of mine, several guys who were knobs with me in N Company back in 1971, that just kind of got a bad rap as freshmen. When they came back sophomore year, everybody in the -- all the upperclassmen in the company still gave them a hard time. Those guys never graduated. You know, they left after sophomore year. They just never recovered from that.

But more importantly than that, that's -- you know, that was recommendation of the general and the recommendation of the president of The Citadel. So since he's been in charge of training Marine Corps enlisted and officers, we listened to his plan, and the board voted 100 percent to support him. He's the man we hired to run the college. We

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hired the -- we found the best man we could find to run the college, and we're letting him run the college.

SENATOR VERDIN: So this policy, which was presented by the president, endorsed by the board unanimously, had this scheme ever been discussed and to your knowledge, since your time of service or prior to your service, had this tool, scheme, policy ever been contemplated by the -- a previous administration --

MR. PRICE: It --

SENATOR VERDIN: -- or through a previous administration of a different board?

MR. PRICE: It was considered when General Rosa was the president. I know that because we talked about it several times when John Rosa was president of The Citadel.

SENATOR VERDIN: Well, in light of the fact that you view the policy favorably, why are we just now seeing this implementation if it were -- has there been some change of circumstance where --

MR. PRICE: It's been talked -- it's been talked about for well over a year to a year and a half. It was put out --

SENATOR VERDIN: I'm talking about dating back to the Rosa administration.

MR. PRICE: That was not --

SENATOR VERDIN: Why not implement it during the Rosa administration?

MR. PRICE: I think because John was getting ready to retire and he didn't want to do it. That's the only thing I can think of.

SENATOR VERDIN: Was it unanimously supported during the Rosa administration as it is now in the current administration?

MR. PRICE: It was only talked about during the Rosa administration. It was never brought up for implementation.

SENATOR VERDIN: So how many years was the -- and I understand now that the implementation is going to be in this current cadet year, current knobs, freshmen, will be subject to this, or that this will be implemented -- the shuffling of the barracks or the companies will take place next year, in the third year.

MR. PRICE: Right. Yes, sir.

SENATOR VERDIN: What do you call it, a third-year system, or...

MR. PRICE: They had an option -- they were given an option when they came in the first year, if they were a legacy, they could spend their first year, if they were a legacy, if their father or mother was a member of the Corps, they could spend their freshman year in the legacy company and then go to a different company. Or they could spend their freshman year

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in any company that would be assigned, then spend the last three years in the legacy company.

Now, this only affects them sophomore year. Once they move -- once they transfer as a sophomore, they're going to be in that company for three years. They're not going to move around anymore. Once they move into the company this next year, they will be there for three years.

General Watts, who was president of The Citadel back before, I guess, General Grinalds, when he was a cadet, he was in three different companies. This is not something that's gone on since 1842. This is something that started in -- I think with the class of '46, '47 -- or with the knobs who entered in '46 or '47. Prior to that, there was shuffling going on all the time. So this is not --

SENATOR VERDIN: The Citadel as we know it -- I wouldn't classify The Citadel as we know it today to be the pre-1947 Citadel. So this nearly 75-year policy is of considerable duration.

MR. PRICE: Yeah, but it's about --

SENATOR VERDIN: Considering the transient and fast-moving culture we live in, that's quite a bit of time.

MR. PRICE: Right. It's about a 70-year policy. That's correct.

SENATOR VERDIN: So what -- what is special about a legacy student in that -- what consideration -- what prompted the consideration of a legacy student being able to spend his final three years in the legacy company?

MR. PRICE: Well, here again, every sophomore, when they transfer, they're going to spend three years in the same company. It's just if you are a legacy, you could be in the company that your parent would have been in.

But they're not going to move every year. I mean, from now on -- once they move after that initial -- after their initial freshman year, going to their sophomore year, once they make that move --

SENATOR VERDIN: Is the policy not predicated on the fact that there's something that transpires prior to that legacy student's first year at the school that he can go back and attach to?

Is there not -- that would be the only reason for allowing a legacy student to start out in some other company and then moving back to the legacy company for his final three years? That denotes that there was some special relationship -- it acknowledges the relationship of the parent.

MR. PRICE: Exactly. So they can spend their last three years in the company that their parent was in.

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SENATOR VERDIN: So something took place over time, relationships, that translate from the parent's time there over to the offspring's time there, something that, by policy, has been acknowledged as a value and merit that should be honored.

MR. PRICE: We've had -- we've had several studies that have suggested the -- the sophomore shuffle going on back for 10 or 15 years.

SENATOR VERDIN: How was the policy --

MR. PRICE: Some of the companies have gotten to where there are -- and I don't want to term -- I just -- you know, they're more -- they have got certain things that go on in certain companies that don't go on in every company, and they're trying to break up that stigma that certain companies have. They're trying to -- they're trying to change the culture of the companies.

SENATOR VERDIN: So there's something that is explicitly negative in nature in what has transpired over the last 70 years? What -- I'm curious. We -- I need to know what you would classify as stigmatization or some negative practice. What are we talking about?

MR. PRICE: Some companies have taken on a different name like Mike Reich, which is the Third Reich, Mike Reich, Mike Company. Hotel Hell, which has been famous for hazing. Echo Company has always been a big company that was big on hazing. There's just a culture that they're trying to change the culture.

And here again, we sought out and hired the best possible man we could find to run the job. We hired him to run the school, and we're letting him -- we're letting him do that. We're letting him run the school

He's a 1979 Citadel graduate. He's not there trying to -- trying to kill the culture or kill the Corps. He's the gentleman -- he's the man that's directly responsible for the welfare and well-being of every man and woman in the South Carolina Corps of Cadets. And I feel like we've got to let him do his job.

SENATOR VERDIN: Do you feel the sense of backing from -- I know you're an interface between the -- the family -- the culture extends beyond those four years there. There's -- everyone acknowledges the unique and peculiar comradeship, camaraderie, brotherhood, esprit that is engendered in this military culture, the good, the bad, and the ugly, I guess. You mentioned some ugly there just a minute ago.

MR. PRICE: Oh, yeah. Well --

SENATOR VERDIN: What about the -- what about the other alumni, other than the current administration? What's the sense that you have -- you don't have to put it in percentage terms. I would feel that you maybe could quantify it, though.

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MR. PRICE: I've heard from a lot -- I've heard from -- well, I'll just say it. I mean, I've heard from a lot of people. There's three or four Facebook pages out there.

Particularly one guy in Summerville told everybody to write letters that I wasn't fit to serve as chairman of the board or serve on the board at The Citadel, class of '07. He has a couple of Facebook pages where he's got my face and a cartoon drawing and kicking me -- kicking me around the clock.

I don't stoop to that level. I'm not going to wallow in the mud with him like that. I'm -- you know, I'm better than that. I mean, I'm an honorable person. Like I said, I may not -- you know, I told the general when he first proposed it, I said, Look, I don't necessarily agree with you, but you're the guy we hired. You're the one that the buck ultimately stops with you, so I've got to support you.

And I've caught -- you know, I've caught -- I've caught my ration, I promise you.

SENATOR VERDIN: Well, my first question for you was the role you've played in the development of the policy and its implementation, and now I'm thinking that you're indicating that you would not -- you would not have been a --

MR. PRICE: I mean, I didn't play a role --

SENATOR VERDIN: -- you wouldn't have been a supporter in the initiation -- the initiation -- the initiation of the process.

MR. PRICE: I did not play a role in --

SENATOR VERDIN: I don't necessarily agree with you.

MR. PRICE: Yeah. And I told the general, I said, I don't necessarily agree with you, but I've got to support you. If this is what you want to do, you're the man we hired to run the college, and I'm going to support you.

SENATOR VERDIN: Mr. Chairman, I'm sure there are others that have questions. I don't want to dominate the time. I do have another question at another time. It'll be on another subject matter.

CHAIRMAN SENATOR PEELER: Sure.

Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

First of all, Mr. Price --

MR. PRICE: Yes, sir.

REPRESENTATIVE KING: -- Chairman Price, I want to thank you for your service to The Citadel and to the state of South Carolina.

I have a question for you that is -- that I may be a little confused on as to your answer to the senator. But who runs the school?

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MR. PRICE: The board of visitors sets strategic vision and governance.

REPRESENTATIVE KING: Because I heard you say that you hired someone and that -- that you felt that they ran the school, and I was just a little taken aback by that answer because we're here today to appoint board members -- or not to appoint but to pass them out to the General Assembly to appoint.

MR. PRICE: Right.

REPRESENTATIVE KING: And we send you all there to make policies that then the administration carries out on your behalf. Am I correct?

MR. PRICE: Yes, sir.

REPRESENTATIVE KING: All right. I just didn't want to leave here today with you saying that someone else ran the school and not the board.

MR. PRICE: Well, maybe I misspoke. I just said, you know, that he was responsible.

REPRESENTATIVE KING: Thank you.

MR. PRICE: Thank you, sir. Sorry.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Price. Thank you for your service.

MR. PRICE: Thank you, sir.

SENATOR SCOTT: I heard a word that came out that really gave me some heartburn: hazing.

MR. PRICE: Yes, sir.

SENATOR SCOTT: And if that is suggesting or implying -- but if that's an issue on the campus, that's an issue we need to resolve immediately. I think we just had a major issue up at Clemson. I think, if they have not finished that lawsuit, there's a major lawsuit.

I think The Citadel, unlike other universities and colleges and fraternities who get involved in hazing, if there's a hazing -- I anticipate that it is -- it's dangerous. And it has been unlawful for a very long period of time, and schools are beginning to crack down on organizations and groups who are doing that.

And so if that's the direction this policy is trying to move and trying to correct, then I don't have a problem with that. Some kids have really gotten seriously injured for life, and some have even lost their lives --

MR. PRICE: Right.

SENATOR SCOTT: -- because of hazing.

And I know you're not here to air all the laundry of the school. All schools have laundry, some of it not so clean. If that's the direction, then I don't have a problem with that. We need to get hazing out of the schools. We've had enough deaths across this country with kids being hazed.

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Do you want to comment on the hazing or kind of hazing y'all are having? I'm pretty sure it's not just drinking a bad punch or something of that nature, especially when you mention the names. The names are more gang-like behavior --

MR. PRICE: Right.

SENATOR SCOTT: -- rather than young people going to be involved in a military organization. If you care to comment, I'd be happy to hear about it.

MR. PRICE: Well, it's, you know -- I was there in the early '70s, and it was kind of commonplace then. Now if a cadet does anything to an underclassman, they are met with very strictly. I mean, they're -- we've expelled several cadets for hazing. They've been suspended. They've got to spend the semester away from campus.

Captain Paluso, the commandant of cadets, has a very strict policy that hazing is not tolerated, and it's just like our drug policy. We have several cadets that -- every semester, 10, 15, 18, 20 of them might get tapped. You know, they've got to go -- got to go to the bathroom over there. Every now and then, one will pop -- one will pop positive for a drug.

We have a zero tolerance for drugs, and we have zero tolerance for hazing. So we're trying to cut out that kind of culture.

CHAIRMAN SENATOR PEELER: Several people have questions and comments.

Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

I have a few questions, Chairman Price.

MR. PRICE: Yes, sir.

REPRESENTATIVE CLARY: First of all, tell me what kind of training a board member receives when he or she is elected to the board of visitors at The Citadel.

MR. PRICE: We have about a three-day orientation training where we meet with all the vice presidents at the college, and it's just an orientation to take you through all the departments, through the financial department, through human resources.

REPRESENTATIVE CLARY: There's no outside training. There's not a group that comes in from an outside association of colleges and universities that gives you any type of training.

MR. PRICE: We have the association of governing bodies that we send new board members to for a course every year. New board members get to attend the AGB conferences.

REPRESENTATIVE CLARY: Okay.

MR. PRICE: I think that helps.

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REPRESENTATIVE CLARY: And I'll -- you know, you said that, in response to Senator Verdin's question about this -- for a better word, I'll use the sophomore shuffle, and you said that the board unanimously endorsed this process.

Is that a common occurrence with the board of visitors at The Citadel that you are unanimous in the decisions that you make?

MR. PRICE: Yes, sir.

REPRESENTATIVE CLARY: And --

MR. PRICE: I can only think of one other time that we were not unanimous in a decision when the chairman brought up something for a decision for the board to make.

REPRESENTATIVE CLARY: When the chairman -- you said that you were following the lead of the president. So now you're telling me that the chairman --

MR. PRICE: No, no.

REPRESENTATIVE CLARY: -- is the one making the --

MR. PRICE: No, I was -- no, that was something else that -- this was several years ago.

REPRESENTATIVE CLARY: So just to make sure that I'm getting this right, is -- would I be correct then in assuming that the board of visitors at The Citadel is merely a rubber stamp and that individuals cannot have a point of view that they express and even vote against an issue that the chairman would bring up?

MR. PRICE: No, we -- we -- no, we're not a rubber stamp, sir.

REPRESENTATIVE CLARY: Well, it --

MR. PRICE: I promise you, we're not a rubber stamp.

REPRESENTATIVE CLARY: Well, if everything's unanimous, that -- that's -- I mean, I speak out a lot around here, and, you know, there's this idea that the chairman speaks for the board, and I think that's -- that's a bunch of bunk.

MR. PRICE: Uh-huh.

REPRESENTATIVE CLARY: Because when I elect someone to a board, I expect them to represent the citizens of South Carolina. And if you're telling me that you are unanimous in the decisions that you're making, then we need to look at this even more carefully.

MR. PRICE: We have our dissensions, and everybody gets to vote on something, but when we come out of -- I mean, we've -- we have our...

Everybody has the right to speak, and everybody has the right to vote, and they vote the way they will. But at the end of the day, we're all on one page. So it's not like we're a rubber stamp, and we've not had that many issues to come up.

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The only time -- the last -- the last issue that came before, when the president wanted to take the Confederate flag out of the chapel, which is protected by the Heritage Act, we had board members -- some vote for it, and some -- and some vote against it, and it's on public record. And I was one of the ones that voted against it because I know it's protected by the Heritage Act. So that's a public record.

REPRESENTATIVE CLARY: Well, let me ask you this. When we talk about the -- this idea of moving freshmen to different companies in their sophomore year, and you alluded to the fact that this -- one of the reasons was to address hazing. What other steps are being taken to address hazing in addition to this sophomore shuffle?

Because that's something that I'm very concerned about. We can go back to the Tucker Higgs Transparency Act. I have a bill pending over in House Judiciary to increase the penalties for hazing in this state. Tell me what other steps are being taken by The Citadel.

MR. PRICE: Well, like I said earlier, the commandant of cadets has a very strict policy against hazing. If a cadet gets --

REPRESENTATIVE CLARY: What's the board of visitors doing in setting policy? Because when I -- my understanding of the way that a board of visitors or trustees -- their purpose, one of them, is to set policies that are going to be carried out by the administration there at The Citadel or any other school.

MR. PRICE: Well, we have -- we have no tolerance for hazing. Like I said, we have no tolerance for hazing. We have no tolerance for drug use.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

Mr. Price, thank you for your service on the board since 2007 and your service on other boards associated with The Citadel. I do have a few questions.

Was there a vote taken by the board of trustees in regard to this particular reassignment policy issue?

MR. PRICE: Yes, ma'am.

REPRESENTATIVE DAVIS: Okay. So typically the board does get involved in policy or operational issues; is that correct?

MR. PRICE: Yes, ma'am.

REPRESENTATIVE DAVIS: What sort of criteria do you use -- because I know you don't get involved in everything, but what sort of criteria do you use as a -- as the chair of the board in determining what policy decisions and operational decisions the board is going to be

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involved in and take a vote on and which ones you will not be involved in?

MR. PRICE: Anything that directly affects the corps of cadets or would affect the direction of The Citadel.

REPRESENTATIVE DAVIS: So how often does that come up then? How often are there changes in policy that rise to that level?

MR. PRICE: Maybe once or twice a year.

REPRESENTATIVE DAVIS: Okay. Okay. Thank you.

Also, you do have representation on the board of trustees from the alumni association, correct?

MR. PRICE: Yes, ma'am, we do.

REPRESENTATIVE DAVIS: So a number of us have received phone calls, e-mails from alumni concerned about that particular policy.

But I'm wondering is there a formal means for those alumni to report to the board or to provide their input to the board when these particular policy issues come before the board, or are -- is the alumni representation on the board their avenue for expressing their concerns or giving their comments?

MR. PRICE: Well, we have three alumni elected representatives, so they can bring those issues to the board, and all of our e-mails are on the board website. Anybody can reach out to us at any time.

REPRESENTATIVE DAVIS: Thank you.

That's all I have, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. President.

And good to see you this afternoon and thank you, again, for your service as well.

As I listened to this discussion, I want to see how I can understand -- you said earlier that on this particular subject, the shuffle policy -- one, is it affecting all the cadets or just the legacy cadets?

MR. PRICE: It affects every freshman cadet.

SENATOR ALEXANDER: Okay. Regardless of their status of how they got into The Citadel?

MR. PRICE: Regardless of their status. What it does, it affects every freshman cadet.

SENATOR ALEXANDER: So if I heard you correctly, it says that it was the recommendation of the general.

MR. PRICE: Yes, sir.

SENATOR ALEXANDER: And I think I further heard you say that y'all hired him to do the job and you're letting him do the job.

MR. PRICE: That's correct.

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SENATOR ALEXANDER: So again --

MR. PRICE: That was his recommendation, and --

SENATOR ALEXANDER: So I guess it gets back to Representative Clary's discussion. I mean, so once you hire -- have you treated other generals the same way? Once you've hired them, then y'all will pretty well let them go on automatic pilot and they can do -- if his recommendation had been to reduce the size of The Citadel enrollment, y'all would have let him carry forward with that because he'd been hired to do the job?

MR. PRICE: No, of course not.

SENATOR ALEXANDER: So, well, how do you --

MR. PRICE: No, we don't do that.

SENATOR ALEXANDER: Well, you just said you hired him to do the job and you're letting him do the job. I don't know how you distinguish from one policy to the other policy which ones you're going to let him do and which ones you're not going to let him do.

MR. PRICE: He brought the recommendation to the board, discussed it with the board, and the board voted to accept it.

SENATOR ALEXANDER: So did the board -- had the policy already been implemented before y'all voted? Was your vote before or after the policy was put in place?

MR. PRICE: We voted last year, and it was just implemented this year.

SENATOR ALEXANDER: Okay. Thank you.

And I think I heard you say -- or did I hear you say you may have opposed it, but being you've hired him to do the job, you're letting him do the job? What -- did I hear or mishear you?

MR. PRICE: Well, I probably said that, and I might have misspoke. But like I told him, I didn't necessarily agree with it.

SENATOR ALEXANDER: But you didn't vote against it.

MR. PRICE: But I didn't vote against it because I wanted to support the general.

SENATOR ALEXANDER: So I guess that's my point from earlier.

MR. PRICE: Right.

SENATOR ALEXANDER: And I get that, of wanting to support. I heard you want to support.

MR. PRICE: Support him.

SENATOR ALEXANDER: But at the same time --

MR. PRICE: Well, I expressed my concerns to him with it. I expressed my concerns with it.

SENATOR ALEXANDER: But I guess my point or my question is, in supporting the general, is there -- every -- I mean, are there some policies

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that he would have brought forward that you would have not been supportive of that you would have voted against?

MR. PRICE: If he brought a policy before the board -- and we're all alumni -- and people would have problems with it, I and my other fellow board members, I know, would vote against it. We're all alumni. We're not trying to destroy The Citadel.

SENATOR ALEXANDER: I'm glad to hear that. Thank you, sir.

I'd like to change questions for just a few minutes here. It says that you, on your questionnaire, your business -- and I'm sure you've got a successful business. You do business with USC, The Citadel, the State House, other agencies, I think, as I read here.

MR. PRICE: Yes, sir.

SENATOR ALEXANDER: So those are competitive bids?

MR. PRICE: Yes, sir.

SENATOR ALEXANDER: So are there other agencies in the Charleston area other than The Citadel that you do business with that your -- your business, is it -- you've got multiple locations in the state?

MR. PRICE: Yes, sir. We've done work -- we've done work for the municipal government. We've done fire stations. We've done schools. We've put glass in schools in Charleston. We've done a couple of fire stations in Charleston.

But it's all through a competitive bid process. We were the -- we were a subcontractor to a general contractor who was building the building for whichever agency might have got it.

SENATOR ALEXANDER: And I would assume you do other -- in other parts of the state too. It's not just in the Charleston area that you are a subcontractor.

MR. PRICE: Yeah, we do -- we do work all over the state, yes, sir.

SENATOR ALEXANDER: Okay.

MR. PRICE: We do work all over the state.

SENATOR ALEXANDER: I just wanted to clarify that from that standpoint.

MR. PRICE: Yeah. But we're always -- I mean, you know, we're always a subcontractor to a general contractor who has the contract with whoever.

SENATOR ALEXANDER: Okay. And here it says that attracting students -- its seen record enrollments in the last several years.

MR. PRICE: Yes, sir.

SENATOR ALEXANDER: And -- but then it says that you're unable to grow the corps to some extent.

MR. PRICE: Well, we're limited in bed size. We have five --

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SENATOR ALEXANDER: Because of your location.

MR. PRICE: We have five barracks. Right now the barracks are full. We have about 2,342 beds, and those 2,342 beds are full.

Our oldest barracks was built in 1942. That was the barracks that I lived in. And we've put as much lipstick on the pig as we can. It's -- you know, we've fixed it up and fixed it up.

And so -- but that's what limits the size of the corps, because everybody has to live on campus, has to live in the barracks, has to eat in the mess hall, and has to attend classes, has to -- have to attend formation. But that's why we're limited in growing the corps.

We -- but we have had record enrollments. We've had cadets -- we've had prospective freshmen on the waiting list. We started a policy several years ago where we've got study abroad, and we encourage upperclassmen to study abroad first semester and try to send 40 to 50 upper-class cadets away that first semester.

So we're able to bring in another 40 to 50 freshman because we have such a large attrition rate so that by the time second semester gets here, when those 40 or 50 come back, we try to right-size the corps.

SENATOR ALEXANDER: Thank you.

CHAIRMAN SENATOR PEELER: Vice Chairman Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. President.

Welcome, Mr. Price.

MR. PRICE: Thank you, sir.

REPRESENTATIVE WHITMIRE: I don't know how much you're enjoying this, but...

MR. PRICE: Just another day in --

REPRESENTATIVE WHITMIRE: You're a Citadel man; you can handle it.

MR. PRICE: Another day in paradise.

REPRESENTATIVE WHITMIRE: Considering the firestorm this has seemed to have caused --

MR. PRICE: Yes, sir.

REPRESENTATIVE WHITMIRE: I've gotten the e-mails. I've gotten phone calls, et cetera, et cetera. I don't remember ever getting that from Citadel -- from Citadel trustees before.

MR. PRICE: Right.

REPRESENTATIVE WHITMIRE: If you could have a do-over -- in other words, if you -- the president -- I mean, the general came to you and suggested this policy, say, for next year, knowing what you know now, would you still support him on this?

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MR. PRICE: There are several things in life that I'd love to have a do-over on, and I can honestly say this is definitely one of them.

REPRESENTATIVE WHITMIRE: It seems to me like the alumni feel like they're not being heard on this issue.

MR. PRICE: Right.

REPRESENTATIVE WHITMIRE: That's the sense that I get.

MR. PRICE: No, that's a fair statement, because I, you know -- but I've heard -- I've heard from a lot of them.

REPRESENTATIVE WHITMIRE: Is there any possibility that the board might reconsider this policy, considering what's --

MR. PRICE: Well, I have -- I have ten other board members, and I have to talk to them to see if they want to reconsider.

REPRESENTATIVE WHITMIRE: It seems to me, that might be the best way out of this whole mess --

MR. PRICE: Right.

REPRESENTATIVE WHITMIRE: -- is to just go back to your regular policy.

MR. PRICE: Right.

REPRESENTATIVE WHITMIRE: That's just the way I see it. All right. Thank you.

MR. PRICE: Yes, sir.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

I would suggest, based on testimony given by you as the chairman, that the trust that was put in someone to come in and remake the place with a discipline code and a cadet management code that's been practiced in other places and you had such faith in it, I wouldn't be backing up one iota if asked a question about whether or not I'm going to jump at a chance for a redo.

MR. PRICE: Yeah.

SENATOR VERDIN: I'd have the conviction to stand by it, but I'll tell you this. Based on this alumni feedback I've had, I believe they're being placated and pacified by board members with the hope and the suggestion that there will be an undoing of this policy somewhere in the future. Can you confirm that?

MR. PRICE: If the metrics don't weigh out to get the results we need, it will go back the other way.

SENATOR VERDIN: And I'm sure you've turned over every stone possible to try to identify ways to root out rot, and R-O-T is the word I'm using for hazing.

MR. PRICE: Hazing, right.

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SENATOR VERDIN: Which seems to be endemic in certain companies. I could use any kind of analogies from woodworking to disinfectant about how to get at a particular problem. Let me go back to painting and the broad brush and drawing everybody in -- the inconsistency for me -- and I'll go back and try to put just a final touch on that as it relates to those legacy students.

If there's something so inherently valuable about the relationships that translate from one generation to another through a legacy barracks placement, what you're acknowledging is that those relationships are peculiarly blessed continuity-wise and from generation to generation.

And for there to be a broad-based approach where every company -- because we already identified those companies that have the problems. So I would bet you that there's a multitude of examples that could be offered, and I know there are, for the companies that are doing an outstanding job, an exemplary job, that offer just the opposite.

But the penalization -- and, you know, the whispers around are about micromanagement. Every year I've been here, it's always been acknowledged that there is something peculiar about our military service academies. And we're blessed and fortunate to have one here with a legacy from 1842.

MR. PRICE: Right.

SENATOR VERDIN: And one of those facets and the reason we hear from so many alumni is because they feel as if they're part of that fabric that reaches all the way back to 1842, the good, the bad, and the ugly.

So to root out the bad and the ugly means that, as it relates to hazing, if you want to use a big, broad approach, a broad-brush approach, you've got to do away with anything relating to a discipline structure that can be abused or adulterated. If you're going to go broad brush, you've got to do away with your entire culture down there. Otherwise, you can't hone in on who the troublemakers are and deal with the problems in an acute way.

I'm supposed to be asking questions, though, that I can generate information here, but I will tell you, Mr. Price, I am -- I feel compelled to speak for the inordinate number of alumni I've heard from. And for the record -- I just want to be absolutely clear -- at 11:47 I had a conversation with the person that introduced us, my research director, a Citadel man through and through, 1985 F Troop, and I waited till 11:47 to have the conversation with him. I said, Gene, I appreciate you, and I admire you, and I know you have a great relationship with Mr. Price. I wanted -- I wanted you to hear it from me.

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And I was met with nothing but silence on the other end of the phone. So I wanted that in the record because, just as the Senator from Richland said, you come to me historically with a tremendous record and background and pedigreed credentials to serve your alma mater, and this is a matter that -- I'm outside my comfort zone because I'm not a micromanager.

But I genuinely respond to stakeholders that are intensely passionate on a matter, and I felt obliged to develop this subject today on their behalf. Where it goes from here, I don't know. I'm not a Citadel man. I'm not in the family.

But I think you've got a lot to wrestle with, and it might just be indicative of really the oar in the water down there. We're counting on those colonels. We're counting on you colonels. This is one -- when it comes to state dollars and state representation, this is one time where I believe the colonels do command the general, and I'm just not sure that it's effectively transpiring.

I have other questions. I'll save -- I'll forgo the other question. It was a totally different subject. I'll forgo it.

CHAIRMAN SENATOR PEELER: Let's take our time.

Mr. Price, how long have you been chairman of the board of visitors?

MR. PRICE: I've been chairman for five and a half years.

CHAIRMAN SENATOR PEELER: How were you chosen? How is the chairman chosen?

MR. PRICE: I'm sorry. I've been chairman for a year and a half. I'm sorry. I've finished up my five and a half years, the term of service on the board, elected by the General Assembly. But I was elected by members of the board of visitors, and my term will be up in June.

CHAIRMAN SENATOR PEELER: Are you term-limited? Can you run again or...

MR. PRICE: Well, I was -- I was elected to run again and be chair and was voted to be chair for another term. But I can't serve the other term unless I'm elected by the General Assembly to go back and serve a second term at this point.

CHAIRMAN SENATOR PEELER: Now, if you were a board member...

MR. PRICE: My term is up with The Citadel, through the General Assembly, this --

CHAIRMAN SENATOR PEELER: I'm talking about just within the board, not the General Assembly. How is the chairman of the board of visitors chosen?

MR. PRICE: How are they elected?

CHAIRMAN SENATOR PEELER: Yes.

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MR. PRICE: They're elected by members of the board.

CHAIRMAN SENATOR PEELER: And you were elected by the members.

MR. PRICE: And I was elected by all members of the board.

CHAIRMAN SENATOR PEELER: Unanimous?

MR. PRICE: Unanimously.

CHAIRMAN SENATOR PEELER: Is there some type of vice chairman that becomes chairman or you can stay chairman as long as you receive the votes, the majority vote of the board of visitors?

MR. PRICE: Myron Harrington and I were elected chair and vice chair almost two years ago. And we were nominated to run as vice chair and chair again, which my term will start this summer.

But I can't succeed myself after that. You can only run one -- you know, one -- you can only serve one term and then serve another term.

CHAIRMAN SENATOR PEELER: Okay. That's what I'm getting at.

And when you were elected this past -- the chairman, was it unanimous?

MR. PRICE: Yes, sir.

CHAIRMAN SENATOR PEELER: Did you have an opponent?

MR. PRICE: There was no opponents.

CHAIRMAN SENATOR PEELER: Has there been any -- have you attended, been active, any negative comments from other board members about how you're acting as board chairman?

MR. PRICE: No, I've never -- I've never had a comment from any board member as to my service or my actions or anything that I've done on the board. I've never missed a board meeting.

CHAIRMAN SENATOR PEELER: Well, our charge or our mission as this commission is to find out whether you're qualified to be a member of the board of visitors of The Citadel.

MR. PRICE: Right.

CHAIRMAN SENATOR PEELER: It's not to micromanage, as others said. But The Citadel is a unique place. I don't have to tell you that.

MR. PRICE: Right.

CHAIRMAN SENATOR PEELER: And the alumni association is a unique group. I don't have to tell you that.

But we've received comments, questions, concerns about the decision that was made about the sophomore shuffle. I don't think it's our job, you know, to comment or -- that's your job. And it's been touched on as a concern, as a board that -- where does the buck stop?

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And the buck doesn't stop with the general. The buck stops with the board of visitors. So if you could take some suggestions, I'd suggest you take that as -- merely as a suggestion.

But to rise to the level of saying you're unqualified to be a member of the board of visitors because of this one issue and cause to be concerned -- and we have another candidate that will come in behind you. Are we going to measure him by the same stick, or are you -- why are you so lucky, because they shoot the officers first? Is that why? Why is this -- why is this microscope on you? Can you -- I'm quite sure you've thought about it. Why -- why me, Lord?

MR. PRICE: Yeah, I know.

CHAIRMAN SENATOR PEELER: Why is this on you? Can you tell us?

MR. PRICE: It's because I'm chairman of the board. I guess, you know, it's all answerable to me.

CHAIRMAN SENATOR PEELER: And all this conversation -- I won't say controversy -- did this happen before you filed for reelection to the board or after you filed? In other words, if it was such a concern to the association, why don't you have an opponent? Can you answer that?

MR. PRICE: I don't know. I don't know why I didn't have an opponent. Anybody -- any board member could have filed to run against me or asked to run against me. It's just -- it's more of a --

CHAIRMAN SENATOR PEELER: As chairman?

MR. PRICE: It's more of -- you have to send a letter to the secretary of the board notifying them of your intent to run for either chair or vice chair.

CHAIRMAN SENATOR PEELER: I'm talking about for your position, the one you're being screened for. It would seem to me like if the association was so concerned --

MR. PRICE: It would have put some other --

CHAIRMAN SENATOR PEELER: Yes.

MR. PRICE: -- candidates up? I think there was maybe one other candidate that initially filed and then didn't -- didn't follow through. I mean, I have no idea.

CHAIRMAN SENATOR PEELER: I understand.

MR. PRICE: I have no idea. There could have been -- you know, other than it takes -- you know, you know how much time it takes to be a -- not to be a board member. And I mean, it takes a lot of time to be a board member, but it takes a lot of time to go through the process of getting elected.

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But I have no idea why nobody else would -- had filed to run against us because they could have easily filed and run against Stanley and myself. There's two seats available.

CHAIRMAN SENATOR PEELER: Any other questions or comments?

Senator Scott.

SENATOR SCOTT: Mr. Price, approximately how many alumni are part of The Citadel?

MR. PRICE: We have --

SENATOR SCOTT: Just approximately.

MR. PRICE: We have 30 thou -- 33,000 alumni, but there's only so many that -- you know, I don't know exactly how many are in the state.

SENATOR SCOTT: The ones in the state, what do you suggest, 10,000?

MR. PRICE: Probably 10,000.

SENATOR SCOTT: And of the 10,000, how many folk are pushing this cause, driving this cause? Is it a handful of folk? Is it a lot of folk? Or...

MR. PRICE: Probably more than a handful.

SENATOR SCOTT: Would you call it more --

MR. PRICE: There's some Facebook pages, and I've seen, you know, 10, 20, 100 followers, stuff like that. So I don't know.

SENATOR SCOTT: A couple thousand people?

MR. PRICE: Probably a couple thousand people. Or more. I mean, I'm not going to, you know -- it could be 3- or 4,000.

SENATOR SCOTT: And if this policy doesn't work, then what?

MR. PRICE: If the policy doesn't work, we'll go back to the same system.

SENATOR SCOTT: And in the meantime, if -- in the meantime, The Citadel is trying to bring in more students because, the last time I checked, tuition drives growth; growth drives getting the college to expansion on programs. Then what? What's the second plan if this plan doesn't work?

Because it would appear that a couple thousand folk who have a better idea about what needs to be done and probably have some suggestions, I'm pretty sure, outside of just the negative stuff you saw out there and made some suggestions to another way to solve this problem.

I know it's not just we don't want this. I'm pretty sure they've had some -- some aggressive ideas or some aggressive way -- if it's a larger fundraiser or something else to subsidize this cause. What else have you seen?

MR. PRICE: Well, we just -- I mean, we just had -- the foundation just had the largest fund-raising campaign that we've ever had, and we raised 200 and -- I think it was \$252 million like two years ago.

So I mean, we've had a record number of campaigns. We've had -- you know, a lot of alumni still -- we've just finished -- this past year, our

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alumni -- our Citadel Foundation brought in well over \$40 million just this past year.

SENATOR SCOTT: And that's after the change in the policy.

MR. PRICE: That's after the -- you know, so everybody said it's going to affect foundation giving, but according to the foundation director --

SENATOR SCOTT: It went up.

MR. PRICE: -- it hasn't so far.

SENATOR SCOTT: It went up. The giving went up.

MR. PRICE: It's gone up a little, yes, sir.

SENATOR SCOTT: You know, I don't like micromanaging either, like the Chairman has indicated.

If someone has something to suggest and doesn't find you qualified, we're the ones to put it out there. If not, I'm ready to move forward with this this morning, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Other questions or comments? What's the desire of the committee?

SENATOR SCOTT: Move favorable report.

CHAIRMAN SENATOR PEELER: Motion is a favorable. Is there a second?

REPRESENTATIVE WHITMIRE: I'll second it.

CHAIRMAN SENATOR PEELER: Discussion? No discussion? We'll take it to a vote. All in favor, raise your right hand. All opposed to the motion of favorable, raise your right hand.

SENATOR VERDIN: Mr. President?

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: I'd like to be recorded as abstaining from the vote.

CHAIRMAN SENATOR PEELER: So noted.

REPRESENTATIVE WHITMIRE: Mr. President, the same thing.

CHAIRMAN SENATOR PEELER: Vice Chairman Verdin abstains. Chairman -- Senator Verdin abstains, and Vice Chairman Whitmire abstains.

SENATOR ALEXANDER: Mr. President?

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: I'm going to abstain because I do feel that, after this, that the -- personally, I'd like to see us maybe carry this over, but I didn't make that motion. But I do -- I would like to abstain at this point.

CHAIRMAN SENATOR PEELER: Would y'all feel more comfortable carrying it over or...

MS. CASTO: Well, you didn't -- if we have three abstentions, you need to do the no's.

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CHAIRMAN SENATOR PEELER: Four in favor.

MS. CASTO: Four in favor, three abstentions.

CHAIRMAN SENATOR PEELER: Four in favor, three abstentions.
Any no votes?

MS. CASTO: You didn't ask for the no votes. You need to ask for the no votes.

CHAIRMAN SENATOR PEELER: All right. All no, raise your right hand?

MS. CASTO: Okay. Four to zero.

CHAIRMAN SENATOR PEELER: Four to zero.

MS. CASTO: And three abstentions.

CHAIRMAN SENATOR PEELER: Four for, three go against -- well, three abstentions.

MS. CASTO: Correct.

CHAIRMAN SENATOR PEELER: For a total of seven. That math doesn't work out.

MS. CASTO: Number one didn't vote.

CHAIRMAN SENATOR PEELER: Who didn't vote for it? Let's vote again. All in favor of the motion, raise your right hand and hold your right hand up.

MS. CASTO: Five -- five to zero.

CHAIRMAN SENATOR PEELER: All opposed, raise your right hand. Three abstentions.

MS. CASTO: Correct.

CHAIRMAN SENATOR PEELER: Thank you, sir.

MR. PRICE: Thank you.

CHAIRMAN SENATOR PEELER: Next we have, under Tab B, Stanley L. Myers of West Columbia.

MR. MYERS: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. MYERS: Yes, sir. Stanley Lamont Myers, Sr.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. MYERS: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement on why you'd like to continue serving on the board?

MR. MYERS: Yes, sir. I have been on the board now for five and a half years. I've truly enjoyed it. I got to The Citadel by a different route. I was awarded a football scholarship. I played quarterback there for four years.

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And I have truly enjoyed serving my alma mater. I've enjoyed getting to know the cadets and interacting with the cadets.

One of the most valuable things that a board member can do, in my opinion, in addition to setting a strategy for the school, is that we are afforded the opportunity to award Daniel Fund scholarships, and that scholarship is for individuals who would not otherwise be able to afford the school.

So in my time, I have awarded a number of Daniel Fund scholarships to allow the less fortunate to attend, and I'm proud about that and proud about interacting with and serving the alma mater.

CHAIRMAN SENATOR PEELER: Thank you, sir. I appreciate your service.

MS. CASTO: Mr. Myers, there are two things on your personal data questionnaire I need for you to complete. What Congressional District do you live in?

MR. MYERS: I'm in the 2nd Congressional District. I'm sorry.

MS. CASTO: And then you said that you have a law degree, but where is your law degree from, and what year did you graduate?

MR. MYERS: Yes, ma'am. I have a law degree from the David A. Clarke School of Law, which is in Washington, D.C., and I graduated in 2003.

MS. CASTO: 2003. Thank you.

Everything else is in order.

CHAIRMAN SENATOR PEELER: Questions or comments from members of the committee?

Representative Scott -- I mean, King.

REPRESENTATIVE KING: Mr. Chairman, I'm a lot better looking than Senator Scott.

SENATOR SCOTT: Mr. Chairman, please don't confuse me.

CHAIRMAN SENATOR PEELER: We won't take that to a vote.

Representative King.

REPRESENTATIVE KING: Thank you.

Mr. Myers?

MR. MYERS: Myers, yes, sir.

REPRESENTATIVE KING: What's the Daniel scholarship?

MR. MYERS: So it's -- two brothers back in the 1920s, they got to the institution because they -- by other means. They didn't have the financial means. So they graduated, made tons of money, and they set up an endowment for the Daniel Fund Scholarship for individuals that cannot actually afford the school. So they -- we're able to award Daniel Fund money for those individuals who are less fortunate financially.

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REPRESENTATIVE KING: I guess you heard the earlier testimony in reference to the Citadel board.

MR. MYERS: Yes.

REPRESENTATIVE KING: And we heard earlier from one of my colleagues and one of his questions about how you all vote on the board, and would you consider and explain to us how you feel that the board votes, and is it considered a rubber-stamp board? And if not, explain your take on that board.

MR. MYERS: Sure. It's a democratic process. You know, we try and be unanimous. We're not always there. I think that it is fair. I will say this, and I will say this with conviction: there has never been a rubber stamp of any sort, a policy, since I've been on the board.

I consider -- I consider all boards -- I'm in the military, so I think of things in the terms of strategic -- strategy and tactics. The board is there to set a strategic vision for the college. The president and the administration is there to implement on a tactical level. But there has never been a rubber stamp.

This entire sophomore shuffle ordeal, I have my thoughts for it.

REPRESENTATIVE KING: What are yours?

MR. MYERS: I'm in favor of it, but it's not because I rubber-stamp what the president has said.

I have constituents. My constituents happen to be -- and just as you all do. I don't mean to offend you when I say that. My constituents happen to be former athletes and current athletes and also minorities. Blacks, females, Hispanics, it doesn't matter.

Here's how we see it. When I first reported to the school, I was part of Charlie Company. And I was fortunate to stay all four years in Charlie Company. But what was most important for me is that because I had teammates, we collected each other in our -- in our field houses, and as a result, all of my classmates were from different parts of the corps of cadets.

So I got a perspective of going around through the corps of cadets and meeting a lot of my classmates. That helped me socially. So my former teammates and current and former teammates that I didn't play with, they're all in favor of the shuffle because it creates socialization among the corps of cadets.

The minorities, well, we always think that change is good. On Friday, we are recognizing the first black graduate of the institution, Charles Foster. Charles Foster is no longer with us. He passed away. But, you know, there was a time, I'm hearing from his family, that they thought that, hey, the school was going to fail because they let the first black

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cadet in. It didn't fail. The school is stronger than -- stronger now than it was before.

So when we start talking about the sophomore shuffle, it was designed because there was a study into hazing. Our commandant of cadets said, you know, look, if you get a sophomore, by the time they go through knob year, they get comfortable with the people that are there, so they are less prone to tell on each other. And all of a sudden, the push-ups that aren't supposed to take place, the things that happen at 11:00 or 11 p.m. after evening study period that aren't supposed to happen, they tend to get comfortable.

But if you shuffle them to different companies where they get uncomfortable a little bit and they don't necessarily know who they're around, that kind of curbs hazing. And so that's the original intent behind the sophomore shuffle.

We haven't -- it hasn't been in place long enough to know whether or not it works, but I've got to imagine that when you shuffle these kids, when you get them into a different environment, you're teaching them socialization skills, and you're teaching them that they can't get comfortable where they are so that you can kind of curb things.

It is possible, Representative King, where an individual goes to The Citadel, goes to Charlie Company in the old time that they wouldn't have a diverse culture among them. They probably would not be around a black or female. They might not be around a Hispanic.

The shuffle is designed to get those kids out of their comfort zones, to shuffle them. That's what happens in real life. As a military officer, I'm only in my job on the National Guard for two years, and I got a shuffle out. I would much rather those cadets enjoy that at the age of 18 to 20 rather than trying to learn that lesson when they're 40 or 50 years old.

So we're trying to create an academic back -- or an academic environment. We're trying to teach these kids about life and how it works. And I think that the sophomore shuffle is a good thing. But it's not because I'm just trying to rubber-stamp what the president has done. I think that the goals and the strategy behind it are good ones.

REPRESENTATIVE KING: So -- I appreciate your explanation on that, and with all due respect to Mr. Price, I did not get that, or an understanding of what the shuffle was.

MR. MYERS: And I still ain't trying to step on --

REPRESENTATIVE KING: No, no, no, no. And I'm not saying that as disrespectful. I've gotten the e-mails, I haven't gotten any phone calls, in reference to what's going on at The Citadel, and so I'm glad for your explanation.

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What I would also say is if you're voted out favorable, you're going to get those questions --

MR. MYERS: Yes, sir.

REPRESENTATIVE KING: -- and hopefully you all can answer those from my other colleagues as you are asking for their vote.

MR. MYERS: Yes, sir.

REPRESENTATIVE KING: Because that -- we're all receiving the same e-mails.

MR. MYERS: Yes, sir. Yes, sir.

And I will say this, Mr. King. When you talk about the alums, who all are for it, the ones that I hear from are for it and support it. So, yeah, you're going to get the squeaky wheel.

Social media -- I'm not on social media, and thank God I'm not. You get somebody on social media, and he makes you think that the entire school or everybody is in support of one particular thing. There is not -- not every alum agrees that the sophomore shuffle is a bad thing. So --

REPRESENTATIVE KING: And I'll let someone else comment. My last question for you is what is the most notable accomplishment in your term as a board member that you will say has happened in reference to diversity on campus?

MR. MYERS: We now have -- we have hired the second female provost at the institution. My first year, we had -- we had Connie, who is now at Elon as the president. And now we've recently hired Dr. Sally Selden, who came to us from a smaller college, but she graduated from the University of Virginia. And so that's two female provost marshals that we've had.

Also, I saw last year the first female cadet become the regimental commander and graduate. That was something that wasn't done when I was there, and it certainly wasn't done in 1842. So to have that happen on my watch while as a board member was very notable and important.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

Mr. Myers...

MR. MYERS: Yes, sir.

SENATOR VERDIN: Your explanation of the rationale from your perspective was not only certainly more compelling, but in -- and comforting as well.

But I want to drill down a little deeper as it relates to the consistency of the policy as it relates to allowing an exception for the legacy students.

MR. MYERS: Yes, sir.

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SENATOR VERDIN: So just to use your term -- it was a generalization -- socialization of the student body, what overrides that very compelling policy for these legacy students other than possibly assuaging a very vocal, determined, and dedicated segment of the population of the school, the family, or even tamping down their resistance?

MR. MYERS: Yes, sir. I wasn't a legacy, so I will say this. I understand why a father would want to have their son or their daughter in the same company. I think you travel a dangerous road when you do that. Anytime you start saying, hey, I'm going to treat this cadet differently just by virtue of their name, it hurts the individuals who got there without that name.

So I think that before we go back and talk about the legacy -- the general has been asked to look into that and do the studies -- I'm not prepared to talk to you very much about the legacy study because we studied the ones on hazing and the one about the legacy has just come forward.

I will tell you that, you know, I've got a little son who's got his provisional acceptance. I don't care if he attends the school or not. I just want him to have the best education for himself and not stand on my name, but stand on his own work.

So I think that those are things that we're just going to have to look at, and I apologize for not having a clear answer for you on the legacy, but I just think that it sets -- it's something that we're going to have to study. I've got no problem with, hey, I feel so good, I want my son to do this and to do that. I've got that. But I think that we just need to do some more studies on how it's going to impact those kids that didn't get there by virtue of legacy.

SENATOR VERDIN: Thank you.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And to that last point, did you know it sounds like y'all are operating as a board? It's my understanding y'all directed the general to go back and evaluate that. Is that kind of what I heard as far as the legacy aspect?

MR. MYERS: Yes, sir. It's -- well, several alum or several grads, they voiced their concern.

And, you know, the good thing about the president, he's a grad as well, so he's accessible. He has classmates, and trust me, if you graduate from that institution, you wear your ring, and it tells everybody what year you are; your classmates can reach out to you if they want to.

We're not one of those -- so to answer your question, sir, you know, I think that it's -- the general is willing to look at it. He's told those

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individuals that he's willing to look at it. And as a board, we've set the vision out and said, hey, look at it; come back with the studies; tell us if it's something that's feasible or not.

SENATOR ALEXANDER: Okay. So the other -- the other question I had for you, under -- it says under the biggest weaknesses -- it kind of gets back to right what you were talking about, to ensure that past graduates are fully aware of the changes implemented by the administration, and communication is a challenge.

How do you -- I mean, given the circumstances around this, what -- if that's a weakness, how do you as a board member work to address that?

MR. MYERS: You know, now with social media, there's always an opportunity to reach out, but the grads have got -- we have -- we have to do a better job. And one of the reasons I wanted to be on the board is that I wanted to give back. I didn't want to just be that individual that never visited the institution, only read about things in the paper, and never did my part.

So, you know, you talk about guys who are in state who support or oppose this. That's one thing. But then you also might have some guy over in Texas or on the West Coast never even come back to the institution that's voicing his concern or her concern.

So communication in my -- it's a two-way street. We're trying to roll out the information. I agree that the roll-out may have been -- could have been a little better as far as, hey, this is what we decided; this is what's going to happen.

But, you know, again, we don't -- we try to invite the alumni back during homecoming, during certain other events. We encourage them to stay part of the alumni association, to just give back, to stay in the know. If they're not willing to stay in the know and they hear these little blurbs that come up, that's when you get this -- this -- this animosity at times.

I wouldn't even call it animosity. It's just internal strife that we're going through.

SENATOR ALEXANDER: Okay. Thank you.

Can I do one other question?

CHAIRMAN SENATOR PEELER: Certainly.

SENATOR ALEXANDER: I just want to make sure I understand that, in your discussion and response to other questions, your support of that change in policy was based on what you thought was best for the cadets that were going to be benefited by being students and going forward --

MR. MYERS: Yes, sir.

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SENATOR ALEXANDER: -- versus just because it was recommended by the general and you felt a sense of duty just because he was the general to support the position. Is that --

MR. MYERS: If it came out that I'm supporting him just because he's the general --

SENATOR ALEXANDER: No, no. I was clarifying that that's not -- that was not --

MR. MYERS: Oh, absolutely. No, sir. It's --

SENATOR ALEXANDER: I was doing that as a contrast.

MR. MYERS: Yes. Yes, sir. Yes.

And truth be told, the commandant of cadets, Geno -- Captain Geno Paluso, who's a 20-year Navy Seal, he's the one who did the studies regarding the hazing incidents and all of that. And then he took it to the general, and that's how it was all formulated and how -- and that's how it all got to where it is now.

So Captain Paluso did a very thorough job of trying to do the research as to why the shuffle would have been a good thing. He then took it to the general because -- you've got to remember, our general did not officially take the position until -- until April of last year. He was transitioning. He had to get permission from the Secretary of Defense to come to the institution.

So during that time when General Rosa left, we had an interim president, and then you had the commandant of cadets. So we relied very heavily on the commandant of cadets and his studies behind why he thought the shuffle would be a good thing.

He briefed the general, and the general brought it to us. We thought it was a good idea, and it wasn't any sort of rubber stamp. We talked about it, and as I stated myself, I personally thought it was a good idea.

SENATOR ALEXANDER: Thank you. I appreciate your being responsive to the questions.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

Thank you, Mr. Myers, for your service to the state of South Carolina as a board member and as a member of the South Carolina National Guard.

MR. MYERS: Thank you.

REPRESENTATIVE DAVIS: We appreciate that service.

There is a perception that the board is a rubber-stamp committee. There's a perception that alumni do not have an adequate voice for major policy decisions.

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As a member of the board, how -- how do you or how would you ensure that the board is not a rubber-stamp committee and that the alumni have perfect -- you know, they're -- not perfect necessarily, but have the capability of providing their input on those policy decisions?

MR. MYERS: Yes, ma'am. Ms. Davis, I struggle -- I'm sorry, Representative.

REPRESENTATIVE DAVIS: That's okay.

MR. MYERS: I struggle with how much more we can do when you have social media. I mean, for God's sakes, the moment we become board members, our contact information is posted on websites. They've got cell phones. They've got office phones. They've got addresses. If they want to reach us, they can.

And I have encouraged my -- the folks that reach out to me to always keep that open line of communication. I try and be present. I try and get to as many events that I can as far as Citadel Club networks to make sure that, hey, look, if you've got a question of me, ask me directly.

The problem with social media is that everybody chimes in, and when you see them at the Citadel Club, they don't want to say what they'll say on social media, to be completely honest with you. I've been everywhere, and I've tried to voice my opinion on everything, and it kind of upsets me to come here and to have to answer these questions of you because you guys are getting phone calls and I'm out there to these Citadel Clubs and no one's saying anything to me. If they've got a problem, let me know, and we'll be happy to address it.

REPRESENTATIVE DAVIS: Okay.

I just want to have a follow-up.

CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: So in follow-up to that, is there a formal means of providing that input, or is that formal means through the alumni representatives on the board?

I guess, you know, when you're at an alumni event and there's casual conversation or Facebook or whatever, that's not really a formal means of providing input, and so I guess my question is, is there a formal means of providing that input?

MR. MYERS: We do have various committees at the institution. We have newsletters that go out periodically. But as far as some type of form, I guess, they could -- like a little complaint form, I don't know of any. I haven't seen any. But I've never had a problem with folks understanding -- or not understanding how to reach out to us if they've got questions.

And our administration has always had an open-door policy. Even if they can't get to a board member, the commandant's door is always open.

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The president's door is always open. I've never seen it where our commandant or our president has said, hey, you need an appointment to come in to see me. If you see -- if you have a question, because you're visiting from Texas or from California, you drop in and see me, and they'll take time to talk. Because, again, The Citadel is a unique place, and it's one of those places that, hey, if you wear the ring, you come in, and you talk.

CHAIRMAN SENATOR PEELER: Mr. Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

And thank you very much, Mr. Myers, for clearing up some issues for us. But, you know, I want to go back -- and we've talked about it, and I have very hurriedly gone back through the minutes of The Citadel board meetings, and I am amazed at the number of unanimous votes that you do have there.

And I guess my question -- and I realize when minutes are taken that every word is not verbatim, every word that is said, but it concerns me that -- that there is this idea that everything is unanimous because when I am elected by my constituents, I have people who have different views than maybe Senator Verdin or Representative King and others, and I think that it's very important for us to represent the constituencies that send us to this place to ask these hard questions of individuals like you who want to be engaged in public service.

You know, when we are elected, all of our information is out there, and I think when you raise your hand and say you want to serve the public, then that goes with the territory.

MR. MYERS: Yes, sir.

REPRESENTATIVE CLARY: And tell me about this idea of -- of the way that the board is conducted. Is it -- is it one that the chairman speaks for all and when he makes a decision and that consensus is reached that no one's going to vote against it and no one's going to go outside and speak against it?

MR. MYERS: No, sir. You know, I think the fact that you have a lot of unanimous votes means that our presidents or our administrations have done a good job of running the school, that we haven't had to go into a lot of contentious issues.

You know, we had -- you know, General Rosa was there for -- it seems like a lifetime. He implemented a great strategic plan that was followed, and if you -- and because we followed that strategic plan, things worked out. This current general, he has his own strategic plan, and for the most part, it's working out.

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But it's -- I don't think that -- unless we know the actual issues, I think that it's kind of unfair to cast a, hey, you've got a lot of unanimous votes and it's because we're rubber-stamping things. There were -- there was one contentious issue, and that's when Chairman Price talked about the Confederate flag. If you look at that vote and you see how we voted --
REPRESENTATIVE CLARY: That was pretty contentious.

MR. MYERS: Yes, sir, very contentious. And if it comes back up, it's going to be more contentious.

But, you know, again, I think that it's a little unfair to characterize that every vote we've had, just being unanimous, as, hey, it's unanimous because the board is just rubber-stamping. That's not the case.

Fortunately, because we don't put our nose where it's been -- you know, as a military officer -- I'm about to pin on full bird colonel here -- my job is to give my soldiers their vision. I'm not there to micromanage them. If they've got an issue, they come back to me.

But you go out, you get -- you conduct my vision, and you promote my vision. And that's all I can ask for, and that's what we as a board have done. We've put the vision out for the president, for General Rosa and for General Walters, and they've implemented it, which is why we've not had very many contentious votes.

REPRESENTATIVE CLARY: Let me ask you this. What is the strategic plan, other than this so-called sophomore shuffle, to address the issues of hazing that we have discussed here?

Because, listen, I understand the -- the unique nature of The Citadel. I'm a graduate of a school that has a very strong military heritage that changed in 1956, but a number of the traditions and so forth still are followed at Clemson. And what I want to know, I guess, is what is the board of visitors doing to ensure that this problem is being addressed in a really serious way because that is something that troubles all of us around the state.

MR. MYERS: Yes, sir. So several things. I'm currently the chair for the education leadership development committee, so I work closely with the commandant as well as the provost marshal.

One thing that the commandant of cadets does for every knob entering is that he has several of his former Navy Seals, Army Rangers, they come back, and they give classes to these knobs. And it teaches them how you can lead without having to touch a soldier, having to scream or yell at a soldier.

Then they've implemented on the provost side a four-year curriculum regarding leadership and ethics that we only had it two years when I was

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there. So now these cadets are getting a full dose of four years of leadership and ethics.

So it teaches them that, hey, take what we're giving you in the classroom; go to the barracks; truth against power; if you see something wrong, speak up. Because the worst thing is to try and criticize your peer, but if we can teach these kids the leadership and ethics qualities in the classroom, then they'll be more prone to do those things. And then when you can further enhance that socialization, you get one good cadet graduating in four years.

REPRESENTATIVE CLARY: Well, and, you know -- but please don't think that the people sitting behind you are going to be immune to a lot of questioning by us simply because of the people that have reached out to us regarding The Citadel because I think that, in electing members to the boards of trustees, we have a very serious responsibility here, and we need to be asking a lot more questions.

MR. MYERS: Yes, sir.

REPRESENTATIVE CLARY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Any more questions or comments?

Senator Scott.

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion is favorable.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion?

Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

I'm somewhat chagrined not to be able to discern through any of the background information, as we have it through the forms, your rank and your service and uniform, and I'm going to apologize on all our parts for not being able to learn that sooner or to be more familiar with your service. And I thank you for your service and --

MR. MYERS: Well, I thank you for the report.

SENATOR VERDIN: Did you say you're a full colonel?

MR. MYERS: I'm a lieutenant colonel about to become promotable. I've got my -- I'm coming up on 20 years. My body gets old. The PT test hurts.

SENATOR VERDIN: I appreciate the degree of candor, transparency, and the way you handled the salient question of the day as relates to your alma mater.

If I could repeat it again to your chairman, I would say that my abstentions here are not predicated on your past service or my hopes for your continued service in the future --

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MR. MYERS: Thank you, sir.

SENATOR VERDIN: -- based on the will of the General Assembly. I'm just going to again asked to be recorded as abstaining from the vote on a consistent application of the entire slate.

CHAIRMAN SENATOR PEELER: Does anyone else want to be recorded as abstaining? All right. We'll take it to a vote. All in favor of the motion, raise your right hand.

Is Ms. Davis coming back? I think she stepped out.

MS. CASTO: Yes.

CHAIRMAN SENATOR PEELER: All opposed? It's six to one.

MS. CASTO: Six to zero and one abstention.

CHAIRMAN SENATOR PEELER: Six in favor. And Ms. Davis is coming back.

Thank you, sir.

MR. MYERS: Thank you, sir.

CHAIRMAN SENATOR PEELER: I appreciate your willingness to continue to serve.

MR. MYERS: Thank you, sir.

CLEMSON UNIVERSITY

CHAIRMAN SENATOR PEELER: Good morning. I'd like to call the meeting to order. This is the meeting of the College and University Trustee Screening Commission. Welcome, everyone, and I pray to God He continues to bless us all.

We'll get started on the Clemson University board of trustees, three seats. Under Tab A first is Ronald D. Lee, Aiken.

Dr. Lee, if you will come forward.

For the record, Dr. Lee, if you would, give us your full name.

DR. LEE: Ronald D. Lee, Aiken, South Carolina.

CHAIRMAN SENATOR PEELER: Let me swear you in.

DR. LEE: Okay.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. LEE: I do.

CHAIRMAN SENATOR PEELER: Okay. Have a seat and get comfortable. Make sure your green light -- did you get it?

DR. LEE: I think Julie got me going.

CHAIRMAN SENATOR PEELER: Would you like to give a brief statement on why you'd like to be on the Clemson board of trustees?

DR. LEE: Sure. Just let me say this would be my -- I'm beginning my tenth year of service on the board. Admittedly, I'm probably not the

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sharpest tool in the shed, so it took a couple of years to figure out that big enterprise and that big machine, but I'm proud of what Clemson has to offer our state.

We're not perfect. We just had a meeting last Thursday or Friday and talked about ways we thought we could improve our efficiency and the goal of Thomas Green Clemson to educate South Carolina residents.

But it's a labor of love. I enjoy serving. We have a great board, a great president, a great alumni base. Being successful in football helps enrollment and the applications, but our focus is on academics as Thomas Green Clemson didn't talk about football.

But I'm proud of what we have. I think we've got a good, efficiently run university with a good return on investment. And I think yesterday the Princeton Review came out again that we're highly ranked in our return on investment for what it costs to go to school and the value of the degree when a student graduates.

So the focus of the board is to continue to use our dollars wisely, your dollars, and we're appreciative of the -- of the money. You support higher education across the state. We certainly couldn't do it without the generosity of the state funds. But we have a lot of discussions about maintaining affordability and accessibility. So it's a good time to be a Tiger.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments from members of the committee?

Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

So one of my colleagues admonished me that I would have to be kinder and gentler today than yesterday. That's the reason I was trying to give you a heads-up on the matter that I'm interested in this morning. Dr. Lynn heard the conversation. Governor Peeler and Mr. Pettigrew, you didn't hear, but I'm going to solicit some feedback from all of you.

So my colleague, Senator Grooms, has been in communication with not just the Clemson administration, but generally all the administrations of publicly supported four-year institutions in South Carolina on the issue of compliance with Code Section 59-29-120, which requires a class on the U.S. Constitution -- actually enumerates the Constitution, Federalist Papers, Declaration of Independence.

And I know it's a tough academic question when over decades there's been a retreat from this particular curriculum. But the pendulum swings, and from my point, and I'm certainly advocating for Senator Grooms as well, I think that there's no riper time for a greater awareness and education on what we're calling America's founding documents.

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So -- and one of the things yesterday with other boards was that administrations are very active sometimes in policy when boards are not as active in finding out about the matter, and I hate to use terms like rubber stamp because it's cliché and I'm not suggesting that at all about Clemson's board of trustees. But as we discussed earlier, there is an awareness on the part of the administration that there's a legislative interest in a more robust compliance with the statutes. I know that there have been some conversation with members of the administration, with members of the board.

My questioning to you is, and my request -- I'll put it in the form of a request, and you can give me any feedback you'd like. Can I hope that you as board members -- you specifically, Dr. Lee -- will initiate and prompt further study and development of curriculum?

Right now you've got a one-hour video with a 20 -- yeah, you've got a very minimal response. There's eight or nine other states that have the same statute or something similar and have very developed curriculum, three credit hours. I think Senator Grooms has even got legislation now that would ask for two or three credit hours. And I'm not necessarily asking for your position on that legislation. I'm just looking for some feedback of where you as board members would direct the university as it relates to something as foundational as this line of study.

And I know historically, you know, when these statutes came on board, the curriculums were not nearly as developed. Students were not nearly as hard-pressed. I know it's a difficult issue. I had one -- not a board -- actually I had an administrator, not -- I had an administrator, in the presence of a board member, not at your institution, tell me that it would be a lot easier for the General Assembly to change the law than it would be for them to coordinate and incorporate this curriculum. Of course I vigorously disagreed because it's hard to change any law up here, and I'm not suggesting we should.

But anyway, that's a long, rambling introduction of a subject that I'm -- I think is going to be -- going to have increased interest on the part of the General Assembly.

DR. LEE: Let me first say, when I was at Clemson, I didn't take such a course. I'm not sure if the statute was in place or how far back it goes. To be honest, I'm not aware of any of my children taking such a course.

But when I heard that -- you know, I leave my office computer on. If I'm between patients, I'll kind of be listening to the Senate usually and the House, you know, depending on who's in session, and I heard Senator Grooms and others talking about having a -- I call it --

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REPRESENTATIVE CLARY: Have we had a mental evaluation done on this candidate if he's listening to the House and the Senate in his spare time?

DR. LEE: Well --

CHAIRMAN SENATOR PEELER: I'd rather perform a root canal.

SENATOR VERDIN: Yeah.

CHAIRMAN SENATOR PEELER: Or have one performed on me.

DR. LEE: You know, the -- the next person to get anesthesia takes the brunt of my frustration. Maybe not quite as gentle as I should be.

But at any rate, when I heard that being discussed, I called our provost and governmental affairs people and said, you know, I never did this. Can we do this? And they then informed me that we have a minimal attempt, which is a video, and I think you take a test, and they check the box.

But what I would do going forward, if it's the strong will of the General Assembly -- I promise you there are, you know, several of us on the board who listen to you, and I would call on Bob Peeler, who chairs the educational policy committee, to get it done.

So I think it has merit. If it's statute and the will of the legislature, we should do it, and I think that the administration will listen to us if we insisted on them doing it. I'm not -- I haven't thought through it enough to know how it falls in, you know, two hours, three hours, does it cost more, does it make somebody graduate a semester late. You know, they -- you know, there'll probably be all kind of excuses, but I think it's doable if you know about it going in on the front end.

REPRESENTATIVE KING: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

I don't as much have a question more than to say -- and this is to all the board members that are with us today -- out of all the institutions, colleges, and universities here in South Carolina that we, the South Carolina Legislative Black Caucus, met with, you all were the only responsive to our concerns, and I appreciate that. You all made sure that the president was there. Not only did we have access to you all, but we now have access to the president. And so I just say thank you.

DR. LEE: Thank you for that.

REPRESENTATIVE KING: You all listened to our concerns. I'm not sure that we have, you know, gotten everything done, and we're still working on that, but I do appreciate what you all are doing and wanted to thank you personally.

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DR. LEE: Well, thank you for those comments. I think certainly that's our goal, is to be available to everybody.

And, as you know, today we have our Call Me MISTER program here, which is celebrating 20 years. We had lunch with them Thursday or Friday. What a -- what a -- what a great group of young men. You know, the Emerging Scholars, which I'm proud to say every single trustee, active trustee, personally supported the tuition for a student to participate in that program. So -- of course, our Call Me MISTER program is coming up, and President Clements will be back here in March. So, you know, we appreciate you guys also.

REPRESENTATIVE CLARY: Mr. --

CHAIRMAN SENATOR PEELER: Judge Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

Dr. Lee, thank you for being here. And as Senator Verdin alluded to, yesterday we had questions that came up, and I'm going to continue along that line, even though, you know, I feel like I know a great deal about Clemson University, but I want to clear up a few matters.

But when we look at -- at teaching the Constitution, the founding documents, the Federalist Papers, et cetera, I'm not so sure that that's the role of our universities. I believe that's the role of our K-12. And if they haven't learned it by the time they get to the university, we're in a lot of trouble.

So that -- Representative Whitmire, when -- when you start funding all these programs for K-12, maybe you can look at that.

REPRESENTATIVE WHITMIRE: Yes, sir.

REPRESENTATIVE CLARY: Tell me about what kind of training you receive when you become a trustee, and is it training that is ongoing? What kind of orientation and then further training do you have?

DR. LEE: So our executive secretary, who -- you know, you all know Angie. When -- when I -- ten years ago, for me, Angie was our executive secretary, so she made sure that I had time to spend with every sitting dean of every college, to be able to meet them, ask them questions, hear from them about their questions. We have a -- a well-written trustee manual that is always being tweaked and revised. I mean, it is, as we speak now.

So a lot of that training and learning the history of Clemson -- and I think it's dependent on the trustee, you know. If you -- to become a better student of the university, to read about it. And as you can imagine, just as in -- well, not to equate it to the time you spend on your job, but if you're going to do it well, it takes a lot of time in the evenings to read up and study and become familiar with it.

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And as I alluded to earlier, I think I'm a better trustee now than I was in year two just because I know more about the university. I mean, it's a big machine. So I think that there is an effort to educate new trustees on the makeup of the university. Hopefully, they know a little bit about the organization before they pursue being elected as a trustee. But I think it's a fair statement to say those who do their homework are more knowledgeable.

REPRESENTATIVE CLARY: Is there any effort to have any outside agency to train you in -- in the role of what a trustee should be, the things that you -- you know, we all have these ideas of what trustees should be, but when you look at the definition of what a trustee of a board should be, is there any type of an outside group that comes in and gives you any type of education in that regard?

DR. LEE: I can't remember anything. We do get a magazine monthly on trusteeship. But, again, if you don't read it, you're not learning anything, so...

I mean, we're supplied some -- a periodical, but I don't recall that we go to -- we have an outside speaker come in and tell us how to be a better trustee.

REPRESENTATIVE CLARY: And, of course, Clemson has a unique situation under the Clemson will, the fact that we have seven life trustees and six elected trustees. Tell me about the relationship between the life trustees, the elected trustees, the way that committees are configured, those types of things.

DR. LEE: I -- I think if a third party was watching the board meetings, sitting around a table, you could not discern who was a life trustee and who was an elected trustee. When there were some votes taken, you might be able to make a delineation because, you know --

REPRESENTATIVE CLARY: Well, I --

DR. LEE: -- most votes aren't unanimous.

REPRESENTATIVE CLARY: Yeah. I've looked at the minutes of a number of boards yesterday during the meeting and then overnight, and I must say that there is quite a bit of -- of interest in the Clemson board in various issues that come before them. To borrow my colleague Senator Verdin's word, I don't see too much rubber-stamped in that regard because there are a lot of votes that are divided.

And when we look at the life trustees and the elected trustees, do elected trustees have the opportunity to serve as chairmen at Clemson?

DR. LEE: In my -- you know, going back, I think maybe one time -- one -- usually no, not in my tenure. You know, there's a seven-to-six split.

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REPRESENTATIVE CLARY: It goes back to -- yeah, you know, I was not a math major at Clemson, by a long shot, as Senator Peeler knows, but --

DR. LEE: Right.

REPRESENTATIVE CLARY: -- I always know that seven is more than six.

DR. LEE: Right.

REPRESENTATIVE CLARY: I understand that part.

DR. LEE: I would -- I would like to think that that won't forever be the case.

REPRESENTATIVE CLARY: And insofar as your committee structure is handled, do members -- elected members of the board of trustees, do they chair a certain number of committees vis-à-vis the life trustees?

DR. LEE: So the chairman every year makes committee assignments, and I think it's fair to say that there's an equal number of committee chairs who are elected versus life.

Currently, I know I'm the chair of student affairs, Bob's chair of the educational policy committee, and I think Louis is a vice chair. I think there's a pretty good -- I don't think there's a bias there.

REPRESENTATIVE CLARY: And I just have a couple more questions. When you -- when you talk about --

CHAIRMAN SENATOR PEELER: Representative Clary, could I -- wait just a minute. I've got a 9:30 meeting that I must attend, so I may bow to the vice chairman of the committee and hand over the gavel and also give you my proxy.

REPRESENTATIVE WHITMIRE: Okay.

CHAIRMAN SENATOR PEELER: And I'll be back.

Sorry for the interruption.

REPRESENTATIVE CLARY: No problem. Thank you very much, Mr. Chairman.

You talk about the biggest weakness at Clemson being accessibility. Listen, I think everyone in this room understands that Clemson is a really difficult place to gain admission to, and the criteria is very high that's considered. Can you tell me what -- what you see can be done that is going to help those South Carolina students that are denied admission?

DR. LEE: I think one -- one thing is that, you know, we're trying to -- right now, there's 20,000 students. We're trying to manage growth by increasing it two percent a year to cap out at about 22,000 or 22,500. Throw in the Bridge Program --

REPRESENTATIVE CLARY: You're talking about undergrad students, right?

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DR. LEE: I'm talking about -- that's correct.

So having more students, as we prove we can handle the extra students, it is one way that -- there's one statistic that, you know, 88 percent of South Carolina students who apply to Clemson can get into Clemson either through regular admission or through the Bridge. So -- now, that does exclude 12 percent who -- who are denied admission. But, you know, the president preaches, if you want to go to Clemson, there's a way. You might have to transfer in. You might have to go to the Bridge Program.

But it's -- it's a good problem to have. We have a lot of applications. I think -- I'm not -- you know, in the neighborhood of 26,000, and we're taking about 35-, 3,600 students. And so you have to have some objective measure. You know, you tend to take the -- those who score the highest. But I think as we grow in numbers that we'll be able to increase accessibility.

REPRESENTATIVE CLARY: Well -- and in my final question representing that area, the relationship between the university and the city of Clemson and surrounding areas is one that's been well-chronicled over the last few years. And what steps is the university taking, what steps is the board of trustees taking in regard to working on that relationship? Because, quite frankly, it's not a very good one right now.

DR. LEE: Well, I think in regards to the town-gown relationships that -- some of us on the board just sat down with President Clements and said, you know, you need to make time to meet with the mayor and other city leaders on a regular basis, not on an emergency basis. And he has promised us that he would do that.

So I think -- and we have members of student affairs who sit in on some committees with the city, just trying to make sure -- the big thing is communication and, you know, control, you know, just explaining growth. It's an inconvenience when there's cranes on campus. So I think it's mainly just to talk about it and try to be good neighbors. But President Clements has heard concerns from individual trustees.

REPRESENTATIVE CLARY: Well, President Clements has heard concerns from a lot of people, and I think that one thing that the board certainly needs to consider, moving forward, is the impact on the downtown business community, as well as the residents there, in planning.

I understand that Clemson's going -- Clemson University is going to continue to grow. But I think that -- and being inclusive in those decisions and deliberations will be a much better path to take.

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DR. LEE: Well, I know we had some problems in the last year or so with road closures and problems, and hopefully we've learned from those mistakes and can do better going forward.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: I might say, if the city of Clemson is having problems with the university, Oconee County will gladly take you back. So just let us know when you're ready to come.

Okay. Senator Scott.

SENATOR SCOTT: Thank you again for, Mr. Lee, serving. Tell me a little bit about your diversity program. I know you've been doing a lot of work and hired a diversity officer, and I know that you've had a tremendous outreach with students.

But tell me how well that's going with students, staff, and faculty. I know you showcased it a couple of times before in one of the subcommittees I served on.

DR. LEE: Yes. So there was a concerted effort as part of our ClemsonFORWARD plan to increase the number of minority faculty people. And in the last five years, you know, there are -- excuse me for looking here -- a 59-percent increase in the number of African-American and Hispanic faculty members on campus. So the number's actually from 80 to 127. And on the staff side, there's been a 22-percent increase. This is 2019 data.

SENATOR SCOTT: Okay.

DR. LEE: Student enrollment is at an 18-percent increase in the number of students on campus.

SENATOR SCOTT: So what is it -- what's the 18 percent mean, 18 percent of your total student body?

DR. LEE: No, no. I'm sorry. Not to mislead you.

SENATOR SCOTT: Yeah.

DR. LEE: There's also been an increase in the number of nonminority students, so that ratio is still about 6 percent.

But in -- but the -- part of the problem, when I talk about affordability and accessibility -- this is actual numbers. Last year, 1,896 African-American students applied to Clemson, 810 were accepted, but only 225 enrolled. So it's probably a monetary issue where we need to increase private giving and scholarships to make it more affordable for them to come so that -- you know, that yield rate is not very good.

SENATOR SCOTT: Have you asked them to track it to see whether it is money or late acceptance or --

DR. LEE: I don't think it's --

SENATOR SCOTT: -- everyone that's applied is going somewhere else?

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DR. LEE: I think it's -- I think it's mainly following the dollars. The one thing the board of visitors has done to address this -- and I happen to be the trustee liaison to the board of visitors. Y'all are familiar with that group. We used to have spring receptions. It was kind of just like a celebration for students who had been accepted.

And when President Clements came on board and he and I talked about it, I told him, you know, that's -- people who've been accepted to Clemson are probably coming; we don't need to have a party for them; we need to utilize the time, talents, and resources of the board of visitors to do something to recruit minorities.

So instead of calling them Tigertown Bound Receptions, they're now called Orange Carpet Receptions, where, through guidance counselors, minorities are targeted invitees to these regional Orange Carpet Receptions, and those who attend have been accepted to Clemson, and they are presented scholarship dollars when they come to the reception.

So that word is getting out, and that's helped. That's helped a good bit, but on the other hand, there are other schools doing the same thing whose tuition might be less expensive and they might be giving them more money, so it's...

SENATOR SCOTT: You also mentioned a 22-percent increase in staff and a 59-percent in faculty. What does that relate to, the actual ratio of students -- I mean, faculty to faculty and staff to staff?

DR. LEE: Let's see. I can -- I used to know that number, but I'm -- I don't want to misquote you -- I don't want to misquote myself, I mean.

I'm not sure. I've got it -- I've got it somewhere in here. It has grown. Faculty -- percentage of minority faculty has increased more than student enrollment percentage has increased.

SENATOR SCOTT: I'd be interested in knowing -- knowing what those numbers are.

DR. LEE: Yeah, I can --

SENATOR SCOTT: Okay.

DR. LEE: Give me five minutes. I'll find it.

SENATOR SCOTT: All right. Thank you, Mr. Lee.

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Alexander.

SENATOR ALEXANDER: I don't know if you can give five minutes to me -- just kidding -- but hopefully, it won't take five minutes to respond to my questions. And good morning and thank you for your service --

DR. LEE: Yes, sir.

SENATOR ALEXANDER: -- and listening to the different comments.

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I have two or three different directions I want to go, but go in a timely manner here, and I think that Representative Clary's mentioned as far as the board, and obviously not just at Clemson, but other ones.

So you take your -- the board is -- to set policy, how do y'all -- how are y'all engaged in making decisions for Clemson? Does the president bring a, a -- something to you? And this is -- this is something across all the boards, so this is not -- do they bring something to you and then y'all respond to it and either you adopt it or don't adopt it? Just because he brings it to you and you think it's a good idea, does that make you vote for it, or do y'all have discussion on it and make a decision based on what you think is best for Clemson University?

DR. LEE: And I think really it's the latter. This -- it's not a -- it's not a rubber-stamp board by any means. A lot of things -- so there is an agenda that's brought.

For example, in my student affairs committee, you know, they'll -- most of those are informational. Educational policy might have more action items as you're tending to add or delete programs or change the name of programs, which takes a vote.

But there's a lot of discussion in significant matters, and I think the president and the administration has learned that they can't, you know, just expect to get the answer they want because a lot of times things are shot down. So we really do have some lively discussion.

SENATOR ALEXANDER: Okay. Good. That's good.

DR. LEE: Yeah.

SENATOR ALEXANDER: Thank you. I just -- for the record.

So the Clemson experience, you say the biggest strength is the sense of family. You mentioned family, the students, and things. I don't disagree with that. How do we keep -- well, before I go there, the growth at Clemson right now, what -- how many students do you have at Clemson?

DR. LEE: Around 20 -- 20,000 or -- you know.

SENATOR ALEXANDER: And it used to be 10- or 12-?

DR. LEE: Right. When I was there, it was -- and when you were there, it was probably 10- or 12-.

SENATOR ALEXANDER: Which hasn't been that many years ago.

DR. LEE: Oh, right. Just right --

SENATOR ALEXANDER: So --

CHAIRMAN REPRESENTATIVE WHITMIRE: Ten years ago.

SENATOR ALEXANDER: Yeah.

So what is the right -- I mean, what's the projected growth at Clemson now? What is -- where are y'all looking to go?

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DR. LEE: To cap it at 22, 22.5, at a rate of two percent.

SENATOR ALEXANDER: So another ten years to get basically -- the rule of thumb --

DR. LEE: Right. Adding another -- yeah. But -- and -- so part of our discussions, too, are things like, in an effort to be efficient -- and, you know, in the summertime you've got to heat and cool those buildings and there's not a lot of people in them, so making summer school more affordable, even looking at things such as having afternoon and evening classes for people who want to commute.

Now, I'm preaching to the choir. You live there. We're not an urban school, so we don't have a whole lot of commuters. But we had a pretty detailed research into the usability, if that's a word, of classroom spaces and which ones are occupied and which ones are empty and what hours were they empty and what could you put in those empty classes because -- you know, as just a way to keep the classrooms full to -- you know, well, to be honest, to generate tuition dollars to help revenue.

SENATOR ALEXANDER: I understand.

So back to, briefly for just a minute or two here, the sense of the family, of the students, and I hear, and having graduated from Clemson, the Clemson experience -- how do we maintain that Clemson -- if that is a core value of being a Clemson alum or going to Clemson -- how many, for example, graduates do we -- of Clemson do we have that are involved in the day-to-day operation of the university? How many are on the executive team? How many are deans or things from that standpoint that have experienced it themselves?

DR. LEE: Well, I know there are -- I mean, you -- I know where you're headed. That's --

SENATOR ALEXANDER: Oh, you do? 'Cause I don't.

DR. LEE: Kind of -- well, I mean, to define -- you know, Sherman said that there's something in these hills.

SENATOR ALEXANDER: Right, yes.

DR. LEE: You know, to define what's in those hills is -- is --

SENATOR ALEXANDER: Right. The alma mater, right.

DR. LEE: I heard Colonel Skardon say Friday night at his Medallion award service, you know, that's hard to identify. But it's real, and we think it's unique to Clemson.

I know on the president's leadership team, you know, there are three graduates. So as trustees, we hired the president. He's not a Clemson alumnus, but we're pretty happy with his service.

I think to maintain that -- so much of what happens on a college campus happens outside the classroom, so when you have memories of

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your college experience, it's not necessarily sitting in a physics class, but it might be what you did on the intramural field or what you did at a pep rally or going to a football game.

Trying to keep students engaged and active and -- because I serve on the student affairs, we just heard of some programs where there's an -- a conscious attempt to engage students in -- to participate in a club, a sport, a service organization, you know, to get them out of their dorm room or get them out of the library and become involved and meet others who have similar interests, and I think that's a bigger part of that Clemson experience than sitting in a calculus class.

SENATOR ALEXANDER: And for the record, I mean, I think the president is doing a great job. This is no reflection from that standpoint.

I just -- is the board -- I'm just concerned that the board is not putting a focus on making sure that the Clemson experience continues to be there for those coming after, as far as -- as far as having -- if that's been one of the greatest draws that we've had, is the way that we're engaging folks with that experience in -- in the process of making sure it's there going forward.

DR. LEE: I understand your point.

SENATOR ALEXANDER: Thank you. And I'm going to forgo questions about, for the sake of time, on the town-gown relationship. I think that's been covered by Representative Clary. Thank you.

DR. LEE: Yes, sir.

CHAIRMAN REPRESENTATIVE WHITMIRE: Dr. Lee...

DR. LEE: Yes, sir.

CHAIRMAN REPRESENTATIVE WHITMIRE: One question, what's the percentage of in-state versus out-of-state students at Clemson now?

DR. LEE: If you talk about -- it's like 67-point-something percent in-state students on campus.

Now, the freshman class that's admitted is about 60-40 because in the sophomore year you get 950 Bridge students who takes that 60-40 to 67-33. So there's a -- there's -- I think it's fair to say two thirds, and that's a conscious effort to make -- keep that balance of two thirds in-state.

And that stat I mentioned earlier, that 88 percent of the people who apply can get there somehow -- they can -- you know, they might -- they might be -- when they graduate, there's no asterisk by their name. But if they are willing to approach Clemson through the Bridge Program, they can get there.

CHAIRMAN REPRESENTATIVE WHITMIRE: Right.

The reason I'm asking, there's a prominent builder in our area whose son just is dying to go to Clemson, and he's National Honors. He's Beta

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Club. He's, you know, the captain of the football team. He's done all kind of, you know, church-related activities in his community. And they just felt like Clemson wasn't giving him a fair shake at that time. Now, I've written a letter of recommendation. I don't know if that's going to help or not.

But that's a concern of mine that, you know, people in this state feel like Clemson's kind of passing them by. And that -- that may not be fair or not, but that's their perception.

DR. LEE: It -- so enrollment, you know, in the last few years, we actually have an enrollment person in charge of enrollment management. It's -- it's a tough problem because if -- and, you know, there's not room for everybody, and you somewhat have to be objective so that if

-- you know, if your son made 1200 on the SAT and my son made 1000 on the SAT and my son got in, then you'd have a legitimate gripe because, you know, somehow there was -- you know, what happened?

I think that growing numbers is going to help, and the metrics of the U.S. News and World Report rankings has -- you know, Clemson has done real well, the top 22-3 universities, public universities. And pursuing those metrics for that ranking has served Clemson well.

But they're kind of changing the rules on it, so I think you're going to see Clemson's ranking possibly slide a little bit because -- for example, they penalize you if you're efficient. So you get bonus points -- for the more dollars you spend per student, you get bonus points. Well, that's kind of dumb. We try to be efficient, so we're spending as few dollars as we can per student to save them, but we get penalized.

They also give -- just last year, a new ranking, the number of students on student loans, you get -- or Pell Grants, you get bonus points. Well, that tends to favor urban schools, not Clemson, South Carolina.

So I think you'll see probably -- and I don't know this -- from our enrollment management people, but I think you'll probably see the average SAT score start to go down a little bit because we're going to start taking in more students.

CHAIRMAN REPRESENTATIVE WHITMIRE: Well, I'm not sure an SAT score always --

DR. LEE: It's not.

CHAIRMAN REPRESENTATIVE WHITMIRE: -- translates into an excellent student.

DR. LEE: It's not. It's not. You know, I always -- my three children fortunately take after their mother. They're successful. But I always tell them hard work is a whole lot more important than a test score, so you give me --

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CHAIRMAN REPRESENTATIVE WHITMIRE: That's hard to measure. You're right.

DR. LEE: You give me somebody who's of average intelligence, but who has a drive, and I'll take them anytime over somebody who's lazy and smart.

CHAIRMAN REPRESENTATIVE WHITMIRE: Agreed.

Any other questions? Do I have a motion?

REPRESENTATIVE DAVIS: (Raises hand.)

SENATOR ALEXANDER: Second.

CHAIRMAN REPRESENTATIVE WHITMIRE: Move for favorable. All those in favor, signify by raising your right hand. One, two, three, four, five, and we have two proxies. Chairman Peeler and Representative King also vote favorable. All right.

SENATOR ALEXANDER: And Mr. Chairman, if I could for the record, too, I would like to comment that as far as efficiency of using those dollars, I'd rather you be efficient in using those dollars too.

CHAIRMAN REPRESENTATIVE WHITMIRE: Well, thank you, Dr. Lee.

DR. LEE: Thank you very much.

REPRESENTATIVE DAVIS: Yeah. Thank you.

CHAIRMAN REPRESENTATIVE WHITMIRE: The next person up was Dr. Clayton Lowder. Yesterday afternoon, Dr. Lowder has withdrawn.

So we'll go to Tab C. I believe that's correct. Up now is Dr. Louis Lynn.

DR. LYNN: Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Welcome, sir.

DR. LYNN: Yes, sir.

CHAIRMAN REPRESENTATIVE WHITMIRE: If you would, raise your right hand, and I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. LYNN: I do.

CHAIRMAN REPRESENTATIVE WHITMIRE: Welcome, sir. I'll let you make a brief statement.

DR. LYNN: My name is Louis Lynn, and I've served on the Clemson board for 32 years. I'm a Clemson graduate. Representative Clary and I are going to be Golden Tigers this year. This will represent the 50th year of graduation at Clemson.

I -- as Dr. Lee said, Clemson is a labor of love for me, so I'm dedicated to what goes on at Clemson. My children -- I live here in Columbia, but

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my children -- one went -- one is a pharmacist, and she didn't go to Clemson, but my daughter went to Clemson.

I tend to try to represent -- I'm an aggie from Lamar, South Carolina. My Ph.D. is in horticulture, so I represent plant ag, and Mr. Peeler represents animal ag a lot. I'm the only Ph.D. on my board, so I consider myself the faculty member. And diversity -- I am so proud that, even though I am the only minority, the only African American, diversity doesn't belong to me. All my peers are very involved in issues of diversity.

And in all my years on the board, 32 years, I think I got a check one time. It's all -- it's all volunteer service. That's my comment, sir.

CHAIRMAN REPRESENTATIVE WHITMIRE: Okay. Questions?

Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

Dr. Lynn, thank you for being here with us this morning and wanting to continue to serve your school and the state of South Carolina.

I do have a question. I'm interested in your response to why you would like to continue to serve, and you stated that you wanted to support the ag extension outreach, including rural medicine. So explain to me the connection between those two because I am very interested in rural medicine as well, and so I'd kind of like to understand your take on that.

DR. LYNN: Clemson is partnering with the Medical University of South Carolina, and we're doing more rural -- since we have the footprint, we have a county agent in every county, and the Medical University has the expertise. So we've started partnering with them on rural medicine, and it gets easier because of telemedicine, but we have the buses too.

And for me, the rural -- I'm -- as I said, I'm from Lamar. And to have access to medicine for underserved communities -- and underserved is not black and white. Underserved is green. So I -- that's a big -- I've always supported the ag community, and this says a lot, that we can bring -- if you can't go to the doctor, you can go to the county agent's office.

REPRESENTATIVE DAVIS: So are you putting telemedicine in the extension offices?

DR. LYNN: It's going to take some time. We're -- we're doing the --

REPRESENTATIVE DAVIS: That's the plan?

DR. LYNN: That's the plan, yes. Yes.

REPRESENTATIVE DAVIS: Okay. Wonderful. Thank you. Thank you for your efforts in that regard.

DR. LYNN: Right, right.

REPRESENTATIVE WHITMIRE: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

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And let me just follow up on that as well, and thank you, Mr. Lynn, for your -- for your service.

Would you not agree, as far as the extension agents and the extension service and the PSA, that to further expand on that -- it used to be that you had a lot of services that were utilized for like homemaking, nutrition, a lot of different health-related that you've kind of gotten away from that, under your -- the rural medicine and the health extension that y'all are working on, is to kind of help bring those components back into the importance there, as well as nutrition and healthy eating and healthy living from that standpoint?

DR. LYNN: Correct. When I first was on the board at -- with PAC, I was a Roundup guy. I worked for Monsanto, and I was a -- and for me, Clemson Extension was cows and plows. But then I'd look at my cousins from a small town who were in 4-H, I'd look at the homemade folks, and I truly believe that we're -- you know, the items you mentioned are part of our service calling.

SENATOR ALEXANDER: So I want to go back to the Clemson experience, and, again, y'all are doing a great job. I just want to make sure how -- how are we going to ensure that those that are there now and in the future, if that's been one of our strong points, is that Clemson experience, that we are making sure that it's being protected for those that are going to come?

DR. LYNN: Athletics has a program called Journey, and we've -- making sure the athletes have a good experience, and the university has taken that model, and at the last board meeting, we discussed taking that university experience from just athletics, that we have counselors involved with getting kids involved with leadership, and we pay particular attention to first-generation students, college students.

And, now, as an individual trustee, I've kind of backed off on it some, but I'm the guy who would be in board meetings who would say, everyone who stayed at Clemson ring on somebody who didn't Clemson dirt on their boots. We do have some extension -- some outreach programs, but we make sure that the majority -- because we have our Greenville -- our Greenville graduate campus, and we're making sure that our students do have opportunities for outreach.

And at the last board meeting, we got a report that when we -- when that P.A.W. Journey kind of outreach, other than the playing field, other than classrooms, that that's working with student leaders now.

SENATOR ALEXANDER: That's a great program and a great idea to carry that -- are you -- are you making sure that you have enough individuals that have -- that are graduates of Clemson that are helping

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make decisions and policy outside the board that will embrace that experience as well?

DR. LYNN: Yes, sir. Dr. Lee said -- yes, sir, we do, and, also, we involve undergraduates -- or we involve graduate students in those programs, so a graduate student is obviously that.

But from a staff -- particularly with the staff of housing, student affairs, many of them are graduates. But I'm a strong believer that we do need to have some -- some integration of other areas for experience.

SENATOR ALEXANDER: I'm not opposed to that. I just don't want it to be all outside with nobody that has had the inside experience.

DR. LYNN: That falls into my Clemson dirt on their boots and -- yes, sir.

SENATOR ALEXANDER: I'm going to be following that.

DR. LYNN: Yes, sir. Yes, sir.

CHAIRMAN REPRESENTATIVE WHITMIRE: Representative Clary.

REPRESENTATIVE CLARY: Dr. Lynn, thank you. Thank you for being here. And I wanted to follow up with you being the -- I guess the longest serving elected member of the Clemson board of trustees.

You know, for a long time, we had a very effective town-gown relationship between the university and -- and the city of Clemson. And -- but over the last five to ten years, it has eroded.

What kind of steps are you as an individual board member and collectively as the Clemson board, being a member of that, what are you doing to try to improve that, particularly when we look at the ability of businesses in the downtown area, restaurants and so forth, to be able to integrate into the campus by providing catering and that type of thing, because there are business down there that have closed, that are suffering as a result of construction and relocation of the visitors center and those types of things?

What's the university going to do? Because I know you have contracts that you have with -- with a provider for food services, but there's got to be some way to carve out something for these local businesses. If not, you're going to have nothing but bars and T-shirt stores downtown.

DR. LYNN: Well, you mentioned that to me personally as a trustee right before we won the championship in '18. You mentioned that as an issue, and I got in my car, and I drove downtown and stopped and realized that many times I was coming to town and I was only doing Clemson stuff.

So as an individual trustee, I make sure that -- to shop in town when I'm in town. If I'm on a weekend, I go to church in Clemson instead of going back home.

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So I see the town and gown as a very important issue for us, and as a small business man myself, it bothers me when I see a small business suffering. And so now when we -- many times as a board, as a group, when we have a dinner -- sometimes it's just us. In fact, almost every board meeting, just the trustees without the president, without his staff, we get together, and we share our concerns.

For me, town and gown was good. The mayor -- when I first met the mayor of Clemson -- Abernathy was my classmate. So I see -- I've seen it erode some, but town and gown, because so many of faculty and staff live, are elected officials, are on committees in the city, I see a -- mainly -- and I ought to give you credit. You've raised it enough that we -- it's on our -- it's on our radar, for elected and life trustees.

REPRESENTATIVE CLARY: Well, I -- you know, I certainly want something not just to be talked about, but I want something to be done about it because, you know, Dr. Lee alluded to the fact -- the way the student body is growing. I saw some numbers this past fall that the student body is around 26,000 students total, and that is only going to continue to grow, and I keep hearing this number, 30- to 32,000. And the university's not building any more housing.

DR. LYNN: Right.

REPRESENTATIVE CLARY: I think you're tapped out. Without the Hills -- you may be able to squeeze another small dorm or two out of -- out of the coffers down here. But you're having to depend on people building apartments, and that is something that has caused a lot of angst, a lot of stress on the infrastructure for the locals --

DR. LYNN: Right.

REPRESENTATIVE CLARY: -- not the university.

So those are things that, as members of the board of trustees, you need to be doing, and I would encourage you to encourage the life members to not just drive downtown. They need to walk down there because I believe that I could take and put the headshots of the life trustees on a sheet and put it on the desk of every senator and House member and they would struggle to name one of them. So the fact that they are detached, you and your colleagues that are on the board are very important to the General Assembly because you have to take the message for the people of the state of South Carolina there.

DR. LYNN: And the live trustees have done -- they've elevated a few -- Bill Smith, who was elected before, got elevated, so there's -- there's some --

REPRESENTATIVE CLARY: Yeah, but they forget that they used to - - that they were elected, Dr. Lynn, in all due respect. Once they achieve

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that life status, they forget what it was to come down here and actually be involved.

Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Scott.

SENATOR SCOTT: Thank you.

Thank you, Dr. Lynn.

I want to go back to the diversity question, and I think from Mr. Lee, he indicated students was at about six percent.

DR. LYNN: Correct.

SENATOR SCOTT: I think you have 1,896 minority students, and I think -- I don't know how much of that 1,896 is actually African-American.

DR. LYNN: 6.43.

SENATOR SCOTT: That's 6.43 of the 26,000?

DR. LYNN: Are African Americans, and just so --

SENATOR SCOTT: So the numbers -- and numbers, what is -- what is that?

DR. LYNN: 1,200.

SENATOR SCOTT: 1,200?

DR. LYNN: Ish.

SENATOR SCOTT: And how many of those 1,200 are actually athletes at the school?

DR. LYNN: I don't know, sir. I don't know.

SENATOR SCOTT: Is it --

DR. LYNN: I'll have to dig that number out.

SENATOR SCOTT: At least --

DR. LYNN: Maybe one of my peers knows, but I don't.

SENATOR SCOTT: At least a couple hundred of them?

DR. LYNN: I doubt if it's that high.

SENATOR SCOTT: Okay. I'm just really -- I'm really worried about that, and I know you guys have put an aggressive initiative on the diversity officer. But I really don't see your numbers actually moving, and I keep getting this thing, it's tuition, tuition, tuition.

But if you had -- I'm sorry. Let me correct my numbers. If you had 810 out of 1,800 who applied and you only got 225 in your freshman class, then it says a lot about your intake system, either not responding back fast enough, or, front end, they're not responding to funding for the kids to actually come to school, or -- and I understood y'all were building a network of scholarships for the children. That's what y'all reported a couple of years ago.

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But something is not working. It sounds like you're headed back down that same --

DR. LYNN: Sir --

SENATOR SCOTT: -- path, and not a whole lot other than what you talked about two years ago has been achieved, and we're right back on that same track of getting kids to come to Clemson.

DR. LYNN: Senator, a lot of times, it's follow the money, and most colleges are seeking scholarly African-American students, and, you know, we have the type -- but in my church here, I've seen folks walk in and -- from Hampton University and say, you know, we're going to give scholarships of X dollars. So all -- particularly -- so folks are kind of -- will hang the students, and they follow the money.

SENATOR SCOTT: Yeah, I understand that. But Hampton University, you're talking about -- I know that going to Hampton University is going to be twice as much as going to Clemson for in-state students. I've seen 1392, 14 -- 14 -- 14,000 a year, all kinds of numbers.

So you can't be that far off in terms of costs to go to school as relates to other South Carolina schools, are you? I've asked for --

DR. LYNN: No, no. As far as in-state students coming here, no.

SENATOR SCOTT: In-state students, yes.

DR. LYNN: Yeah.

SENATOR SCOTT: I'm asking for the numbers as it relates to Carolina. Is it that big a margin between what it costs to go to Clemson and what it costs to go to Carolina?

DR. LYNN: Not that big. They're a little more expensive.

SENATOR SCOTT: Carolina's a little more expensive? Or are y'all a little bit more expensive?

DR. LYNN: Let me -- I don't know. Let me correct that.

SENATOR SCOTT: Well, I'm going to have some numbers in a minute because I've heard this conversation now -- about expense now for the last five or six years, and still I'm not watching enrollment --

DR. LYNN: And families tend to follow the money.

SENATOR SCOTT: I understand that, but listen. What I'm driving at, we can't continue to bring in major corporations into the state, and in bringing these major corporations into the state, we -- these kids are going elsewhere because they don't come back. And so it's a big issue.

I'm looking at USC Columbia, required tuition and fees, resident, 6,344. Nonresident, 16. So y'all are --

DR. LYNN: It's a little more.

SENATOR SCOTT: Y'all are charging as much as nonresident, out-of-state students compared --

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REPRESENTATIVE DAVIS: No, that's -- Carolina's is probably by semester.

SENATOR SCOTT: By semester?

REPRESENTATIVE DAVIS: Yeah.

SENATOR SCOTT: So it's about the same then, if they're by semester.

DR. LYNN: I think it's about 14-something.

SENATOR SCOTT: Yeah.

DR. LYNN: Yeah.

SENATOR SCOTT: So that particular discussion is not sitting well. It can't be that much tuition if the -- I know their numbers are not that great either, and we'll have that conversation when those board members get here.

What I'm simply saying is out-of-state students are going -- they're not staying here, and our job is to try to figure out how we educate the best and brightest of our students and try to keep them home. We can't continue to bring in these companies and no folk to work at these companies. I was looking at some data last night with the poverty index, especially in some of these rural counties. In South Carolina because our folk are not staying here, the wealth is not staying here, the poverty index has continued to grow.

I want to move on and talk to you a little bit about some stuff that your other board member didn't know a whole lot about. The staff -- he said the staff increased 22 percent. What does that represent, 22 percent of -- 22 percent of what?

We'll get you -- we'll get you. It's his turn now. We'll come back to you. It's his turn now.

DR. LYNN: Okay. So we're -- so we're looking at the total number of faculty --

SENATOR SCOTT: Right.

DR. LYNN: -- and the number of African-American faculty members.

SENATOR SCOTT: Right.

DR. LYNN: So that's where we basically --

SENATOR SCOTT: So what's your total number of faculty and --

DR. LYNN: I don't know the exact number, Senator. I'm sorry.

SENATOR SCOTT: Okay.

DR. LYNN: I don't know the head count.

SENATOR SCOTT: Okay. What about with -- with staff? You've got two categories. You've got your faculty increased 59 percent. Is it 59 percent of 50 or 59 percent of 200?

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DR. LYNN: The diversity of the faculty and staff has increased about 58 -- almost 59 percent, and that's a 23-percent increase, so since -- and I'm going back to 2013.

SENATOR SCOTT: Right, right.

DR. LYNN: So from 2013 to now, that's 90 -- and this is African-American -- that's 96 new staff members.

SENATOR SCOTT: Ninety-six.

DR. LYNN: Yes.

SENATOR SCOTT: Ninety-six new staff, but you don't know what your total -- you don't know what your numbers were before you increased? I think your colleague behind you is trying to help you.

DR. LYNN: Okay. All right.

Please, please.

SENATOR SCOTT: He's trying to help you a little bit.

DR. LEE: All right. Senator Scott, they -- the -- the answer is 20 percent. So there's 500 and -- 5,564 faculty and staff and 1,107 are African-American.

SENATOR SCOTT: 11...

DR. LEE: 1,107.

SENATOR SCOTT: 1,107. Okay.

DR. LEE: That's about 19.9 percent.

SENATOR SCOTT: Okay. And that's with faculty?

DR. LEE: And staff.

SENATOR SCOTT: So you've combined them both for me, because you gave me a break out of faculty at a 20-percent increase -- you've got a break out of faculty at 59 percent.

DR. LEE: So 697 of that number, of that 1,107 is staff; 400 is faculty.

SENATOR SCOTT: Okay. Thank you.

DR. LYNN: And just as with students, there's just a lot of competition for competent faculty.

SENATOR SCOTT: Well, you have the largest engineering program in the country, don't you?

DR. LYNN: Not the largest. We have --

SENATOR SCOTT: One of the --

DR. LYNN: -- one of the largest and one of the most prestigious.

SENATOR SCOTT: Well, if you've got the most prestigious, it should be the largest, not in terms of numbers but in terms of how well it's performing up in ICAR, especially working with BMW in engineering, so yes.

DR. LYNN: So we're turning out -- now, we do -- we do brag the point that we generate more African-American engineers than any other school

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in the state, and nationally we are ranked amongst -- I don't know where we're ranked, but nationally we're amongst the -- one of the higher producers of African-American engineers.

SENATOR SCOTT: What does that mean, higher producers?

DR. LYNN: The number --

SENATOR SCOTT: Are you the top? Are you midway?

DR. LYNN: In the state, we -- in the state, we're amongst the highest. I'm not -- USC is a little larger than us. I'm not sure who has actual more numbers.

SENATOR SCOTT: Right.

DR. LYNN: But from the number that we enter, that we get in, we --

SENATOR SCOTT: Graduate them?

DR. LYNN: We graduate them. We get them in; we get them out.

SENATOR SCOTT: Okay. Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

Dr. Lynn, I'm continuing the conversation with you and the remaining candidates about the code compliance on the curriculum. Do you anticipate the board discussing the matter internally and then -- and also engaging the administration about the possibility of a more robust approach?

DR. LYNN: As electorees, we -- we're placed by you and your peers, so of course we will carry that message back.

Personally, I do believe that we ought to have more knowledge of the past, including our style of government, and one thing I do -- Ronnie serves on a -- on the -- I serve on Clemson's capitalism institute board and -- because I believe we -- our -- that if -- when we -- we're there to educate our students. And my motto and the reason I agree with what you're saying is that if we teach a person everything they need to know without adding a moral -- a moral piece to it, we've created a clever devil.

So I agree that we ought to -- they ought to know the background of our country. They ought to understand capitalism. They ought to understand how governments -- we'll -- we'll teach them how to make a good living and how to live good.

CHAIRMAN REPRESENTATIVE WHITMIRE: Any other questions? Do I have a motion?

SENATOR SCOTT: Favorable report.

SENATOR ALEXANDER: Second.

CHAIRMAN REPRESENTATIVE WHITMIRE: All those in favor of favorable, signify by raising your right hand. That's six. Senator Peeler and Representative King also vote favorable, so that is unanimous.

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Thank you, Dr. Lynn.

DR. LYNN: Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Next up we have Robert Peeler.

Come on up and let me swear you in, please, sir. If you'd raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. PEELER: I do.

CHAIRMAN REPRESENTATIVE WHITMIRE: Welcome, sir.

MR. PEELER: Thank you.

CHAIRMAN REPRESENTATIVE WHITMIRE: You may make a brief statement.

MR. PEELER: Thank you very much.

First of all, thank you for allowing me the opportunity to serve on the Clemson board of trustees since May of 2003. It's 17 years this May that I have had the honor of serving my alma mater on the board of trustees.

And I'm not an expert, and I -- my fellow trustees can tell you and those of you that know me, I'm not a detail person. I'm not a numbers person. Things are pretty basic with me. And I graduated from Clemson, my twin brother did, my older brother Harvey did, my younger sister Susan did, and my two adult children did. And I have an 11-year-old adopted son who is a big Clemson fan and hopes to go to Clemson later on.

I sing in the choir at church. I don't read music, but I know it when I hear it. And that's kind of how I -- how I do on the board of trustees. They don't look to me for the detail, but sometimes they look to me for the common sense. And I learned early on, sometimes you -- you don't have to have a majority; you've got to have a voice. And there are things that I have raised that I think, in the end, helps Clemson be a good place.

And to Senator Alexander's point, there is something in these hills. I'm not sure what it is. But, again to not reading music, I know it when I see it. I know it when I feel it. And that's how I try to serve as a member of the board of trustees, and if you will allow me to, I want to continue to serve for four more years and doing it that same way.

Thank you for the opportunity.

CHAIRMAN REPRESENTATIVE WHITMIRE: Questions for Mr. Peeler?

SENATOR VERDIN: Mr. Chairman?

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Verdin.

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SENATOR VERDIN: I can't help with -- you reckon I could recruit you into the Laurens County Chorale? You and Dr. Lynn. I know he's a singer as well.

MR. PEELER: Well, now, I've heard you sing, and I know -- I'll be glad to make a joyful noise.

SENATOR VERDIN: Well, I'll tell you, the voice I'm most interested in hearing you speak to is -- and I'm going to continue this question of the curriculum compliance, the conversation and the voices to be heard within the board structure and then as it relates back to engaging the administration in conversation about a more robust approach to this matter of curriculum compliance.

MR. PEELER: We do need to continue that and focus more on it, frankly. And to Judge Clary's point, I think K-12 -- I served as chairman of the school board in Cherokee County before I ran for lieutenant governor, and people used to ask me was it tough being lieutenant governor. I said, some days, but every day was tough being chairman of your local school board.

But to your point, we do need to focus on it -- there have been some conversations about it -- and to look at the codes and the statutes that we're supposed to adhere to, and we need to adhere to them.

SENATOR VERDIN: Yeah. The statute, Mr. Chairman, the statute actually reads high schools and colleges and universities, so I'm certainly in agreement with you and the judge and -- Representative Clary, I mean.

It's -- it's not an easy question because how do you get there? It's really a question on how do you get there, and we have pending legislation. I don't know what's its status is even now. I just -- as it relates to any kind of code or law, the adjustments -- I believe there is the opportunity for institutions of higher learning and the General Assembly to make some tweaks and adjustments here that will benefit our -- our constituency, citizenry, our students. So I appreciate your attention to it.

MR. PEELER: That's certainly understood.

CHAIRMAN REPRESENTATIVE WHITMIRE: I think we can get a quartet going, Senator Verdin, you and me, Mr. Peeler, and Dr. Lynn. We may leave out Senator Alexander.

SENATOR ALEXANDER: I've heard Representative Whitmire sing. You know, that's -- that's -- that's --

CHAIRMAN REPRESENTATIVE WHITMIRE: All right. Three of you.

SENATOR VERDIN: I'm not going to challenge that.

CHAIRMAN REPRESENTATIVE WHITMIRE: All right. Who's next? Senator Scott.

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SENATOR SCOTT: Thank you, Trustee Peeler, for your service on the board. And I kind of like what you said. You don't get into the weeds, but you are the one who actually, I guess, deals with that which is going to be progressive for the school. I guess that's the interpretation, if I got the right interpretation.

So with that in mind, what do you think that Clemson needs to be doing so students want to come to Clemson? I know a while back there was a lot of negative publicity, and the student body was in an uproar, especially as relates to some halls and some monuments up there.

Do you think that's created a problem, and is the stigma still there? Or what do you think is positive since it appears that the numbers for recruiting students still are not really going up? Six percent is really not that exciting, and I think you've been probably at six percent for a long time. You've maybe dropped down and come back up, but for some reason, you can't seem to leave six percent.

You hired a diversity officer, created a diversity department. I don't know whether or not y'all are listening to those folk or not. They seemed to me -- when they came to us, they understood or knew what they were doing.

But something -- and my feeling on that portion that you're good at, we're not getting the message to South Carolinians whose children want to go to school, unless you're an engineering major that wants to come up to Clemson or want to be an athlete. But outside of -- you know, winning comes and goes, and at some point we have to have -- be grounded a little bit more in that.

And so what do you think might be the problem why our numbers are really not moving?

MR. PEELER: We need to talk with each other --

SENATOR SCOTT: Okay.

MR. PEELER: -- and figure out what's working. We've made progress.

SENATOR SCOTT: Okay.

MR. PEELER: But we've got a lot of work to do, and to look at other schools that are in rural settings and those kind of things and figure out why is it working for them.

We don't -- I don't think there's any controversy at Clemson that's keeping us from progressing, but I think that we've got work to do. I know we have work to do.

SENATOR SCOTT: Right.

MR. PEELER: And we can't become stagnant and rest on our laurels. I mean, we -- we're doing well academically. We're doing well athletically.

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I still -- to bring it down to basics for me, I can remember when the mailman brought my acceptance letter to Route 7, Box 55. That was a long time ago. And I can remember standing there, it seemed like, for five minutes looking at that letter. Back then, it had an orange stripe on it.

I probably couldn't get into Clemson today with a visitor's pass. I'm not even sure I'd get a thank-you letter for applying. But I got in, and there are those that could get in, study hard, and graduate and be a pretty productive citizen, and I think I'm one of those people. And I have never forgotten how it feels, and I never will.

But to your point, we've got work to do, and we need to work together to accomplish what we need to do. There's no doubt, we're not there yet. SENATOR SCOTT: We've been talking about this work for quite some time, and I think you guys are going to be invited back to some of the various caucuses again. I'm hoping that you come back with a plan.

I look adjacent to y'all at Lander College, and I think the president at Lander and the president at Clemson were classmates or had gone to the same school. Their numbers are going up, and y'all are recruiting out of the same region.

And if it's a money deal, then I think a lot of students -- I asked the question yesterday, these kids could -- commuting since they live in the same neighborhood, and the answer was, yes, they're getting regional students.

And so some of that might be in that answer --

MR. PEELER: It certainly could be.

SENATOR SCOTT: -- of maybe solving that problem and help with some of the costs. But I don't see the ground team getting in the students that's right around there, and I don't know whether it's a communication gap or some -- or some --

MR. PEELER: That could -- that could be --

SENATOR SCOTT: -- or are we still living in the old Clemson days and not creating a new Clemson vision that the young people could become attracted to?

I don't know what the answer is, and I don't want to appear that I do know what the answer is. All I can tell you is, 225 freshmen to come in out of 810 who got accepted, that's -- that's pretty tough, especially if you got accepted when you -- the last time was it was grades, and now it's money.

But you've got kids who can get in, so, you know, some begin to ask the question, what is it? And I know need-based and tuition grant funding is out there. I know when they come, based on your SAT scores and the

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GPA's, they bring the lottery -- and most of them probably bring the Palmetto with them. So that's about \$7,500 right there, so that's half the battle.

So I'm just trying to figure out where the rest is being dropped. I can get the Palmetto, and if I'm that needy of a student, I'm getting need-based too, because you've got to exhaust all those and get the other money. I just don't see that it's being all of the major problem. I see it as front-end -- the front-end -- your front-end intake system might be broken for a lot of these kids to keep getting away.

MR. PEELER: Well, I'm -- and of course it's about producing results.

SENATOR SCOTT: No question.

MR. PEELER: I'm not going to sit here this morning and tell you that I have an answer for it.

But I do know, and I think those -- you know me. I'm a good listener, and I'm pretty good at taking those details and producing a result with it, and I'll continue to do that.

SENATOR SCOTT: Okay.

MR. PEELER: But I -- I promise you that.

SENATOR SCOTT: Well, all I'm saying is I'm looking for the results, and we've had -- you and I along with some other of your colleagues have had a sit-down meeting. You did put something in action. So you do -- at least have grounded something. But I'm looking for the -- more of a proactive now that you've got things in place so our numbers can start moving.

MR. PEELER: Well, we have, because I think Jim Clements, our president --

SENATOR SCOTT: Right.

MR. PEELER: -- he gets it. He's very much of a people person, and he's a results person. He's -- he gets it, and he's -- it's not his way to just rest on anything. We'll keep working, and we'll keep talking.

SENATOR SCOTT: Do all of you -- do all of your colleagues on the board get it? That's the key to it. Will they support the back -- the back end where he wants to go? That's the key to it.

If the board -- if the board is pushing to get there, trust me, you're going to get there. I serve on a college board too, and I can understand a little bit about what's going on after my ten years on that board.

MR. PEELER: Right. I think -- I do think so. Well, I know so. We've just got to spell it out. I know -- to not belabor the point, but I can remember at one -- one of our board of trustee meetings, Dr. Lynn leaned over to me. He said, Bob, you have a very unique way of getting your point across.

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And I said, Well, Louis, do you mean that as a compliment?

He said, Well, I'm not sure. He said, it's effective.

I said, Well, at least it's effective. I said, have you ever heard my brother Harvey get his point across? It's a kind of Peeler family way, I guess.

But that's it from me. I -- I do know that the board of trustees listens to me. Sometimes they -- I might frustrate my fellow board members because I do express kind of a commonsense way of looking at things. And I have never forgotten where I -- where I came from, and I'm proud of where I came from, and I've never forgotten how it felt to get that letter of acceptance at Clemson.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good morning and good to see you.

MR. PEELER: Good morning.

SENATOR ALEXANDER: And I think you've pretty well capsuled that in talking about in these hills you see it, you feel it. I just want to make sure we keep it.

MR. PEELER: And so do I. I can remember at one of our board meetings not long after I got on the board, we were told that the university had spent, I think, a half million dollars for a report from consultants. And the basis of that report was that they needed to be more human.

And I can remember making the statement then, we don't need a half-million-dollar report at Clemson to tell us we need to be more human.

SENATOR ALEXANDER: Amen.

MR. PEELER: We all know. We don't need to keep taking things away from people and becoming less human. And I -- I remember that.

SENATOR ALEXANDER: And y'all are doing a good job. The president is doing a good -- so it's not -- I just want to make sure that we're not, as we go forward -- and that we're not -- and I get comments that were made earlier. You need to bring in folks from outside.

But at the same time, I don't want us to be completely outside and no one be there that relate to the Clemson experience and the experience that's in those hills and that you can see it and you can feel it because, if you've not experienced it, you're not going to know how to keep it.

MR. PEELER: And believe me, I feel the same way.

SENATOR ALEXANDER: Okay. So if I could, you mentioned the growth. Do you feel like y'all are -- where you're headed from that standpoint, is that about right for Clemson?

MR. PEELER: I think it is. I think it's enough.

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When I was a freshman at Clemson in 1970, we certainly weren't at 20,195 undergraduates. But to figure out that formula of when is enough enough -- and if you ask me, the one thing -- talk about affordability. And I -- if you check the record, my history has been to oppose tuition increases and room and board increases.

It's not like that -- that there haven't been tuition increases and room and board increases, but at some point, it has to stop. And certainly the things that the legislature has done and are doing and all of us working together, I think we're all very mindful of that. At some point, enough's enough.

SENATOR ALEXANDER: Okay.

MR. PEELER: Whether it be in enrollment or tuition.

SENATOR ALEXANDER: Absolutely.

Two other things. One is, just for the record, I think I saw in your -- from your work standpoint, y'all have a contract with Clemson University, and I'm sure that was through competitive bid.

MR. PEELER: Right.

SENATOR ALEXANDER: And I just wanted to get that on the record, that it was a competitive bid process that you went through and that awarded that.

MR. PEELER: Right. I'm an employee of Waste Management. Waste Management has a --

SENATOR ALEXANDER: Yeah, so I just wanted that -- so --

MR. PEELER: -- has a contract with Clemson that was awarded.

SENATOR ALEXANDER: Right.

So -- and then the other thing is to the town-gown, and I'll yield to my friend, Representative Judge Clary on this, but I do want to at least mention, you know, the town-gown relationship kind of started at Clemson, and the reason that the national headquarters is at Clemson is because of the great job that was done.

I just look forward -- and do we have the support of the board in making sure we get that? And it's not something that's just happened in the last five years. I think it -- and I agree with the judge. It's been ten years or more in the making. Are we ready to right that ship?

MR. PEELER: I know we are, and I know we need to.

Part of it is -- it seems like we went through a period of time we didn't talk with each other, the university and the town of Clemson, and that's not good. And I don't mean talking with each other when there's a fire to put out. An ongoing basis that's not always at official meetings or any of that kind of thing. But I think we kind of lost sight of that, and we're getting back to it.

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SENATOR ALEXANDER: Good, good.

MR. PEELER: I will assure you that we're getting back to it.

SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Judge Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

Thank you, Governor Peeler, for being here.

If he and I start speaking in a different language in the questioning, you'll realize soon that it's Gaffnese because we're both refugees from Gaffney.

And to follow upon this town-gown relationship, I think you're correct that a lot of it has to do with communications. It also has to do with putting the right people in place that's going to -- to meet with the city on a regular basis in long-range planning, looking at what's going on around the -- in the community because, you know, quite frankly, the local community views the city and the university's relationship over the last ten years as one of a drug addict and a dealer.

You know, the city wants tax dollars. The university needs places to put heads and beds. And as a result, they've developed this relationship where they're providing for each other.

And of course I doubt that I'll live to see it, but the apartments that have been built in Clemson will probably be some sort of housing that we don't want to have because of the way it was built. I watched Douthit Hills being built, and those buildings were built for a long span. But I'm not getting that, and I think that's part of the angst that we have in Clemson.

And then as -- I'll follow up as I did with your other colleagues. This idea of being a good neighbor to the people downtown because for folks who don't go to Clemson, it's hard to differentiate where the university stops and the town begins and vice versa.

So I think that it's incumbent upon the members of -- the elected members of the board of trustees to convey that message back to the life trustees because, once again, we don't see them. We might see one or two of them if we're bringing in another national championship trophy, but it'll be interesting to see how many of them come here next week for Clemson day.

But with all that being said, what -- what's really going to be the size of the student body at Clemson University, let's say, by -- by 2025 and 2030?

MR. PEELER: It's looking like, again, a growth of two percent a year. And I'm not a numbers person, but it's going to approach 25.

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REPRESENTATIVE CLARY: And that's undergrad.

MR. PEELER: Yeah.

REPRESENTATIVE CLARY: And then you throw the grad on top of it, and, you know, quite frankly, you know, Senator Scott, we talk about all the things that go into making a great university and having diversity and so forth.

We've got a real problem in Clemson, is that professors that are coming to work there, unless they're of the research variety, housing's out of reach for them. Housing is at premium in Clemson, and, you know, I would hope that Clemson, with all the brain power that -- that you -- we have there, is going to come up and try to collaborate with the city to do something to have affordable housing in the area for people like that, and not just student housing.

So tell me this, Governor. What do you view as your role on the Clemson University board of trustees? I know that you bring that commonsense approach and that you're not afraid to speak up, but what is, in the final analysis, your role at Clemson?

MR. PEELER: My role is to bring that -- I don't call it a common touch to it, but -- but a perspective that gets it and that -- whenever I make a decision, I try to put myself in the shoes of the people that are going to be affected by that decision, no matter what it is, large things, small things, whatever it is at Clemson.

And it's not just being a victim of your own success. You know, there's going to be a rainy day. You know, it might drizzle first, but Clemson is at a good place academically and athletically, and they kind of go together, and they build off each other because, as you pay attention to it, one helps the other.

But, again, back to my point of how much is enough -- and I'm not sure what that is, but I do pay attention, and I will continue to pay attention, and I will try to continue to bring that commonsense perspective to the board of trustees. It's -- it's how I'm made, and that's not going to change.

REPRESENTATIVE CLARY: Well, and I don't disagree with you when you talk about the relationship between academics and athletics.

But at the end of the day, we're there to be the academic institution. Football is an ancillary enterprise, and as Senator Scott says, you know, some years you're good, and some years you're bad. And I've been through more bad years than I have good years up there.

So I think we need to ensure that we're preparing for the time when maybe athletics is not where it is now, but we want to have the university

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positioned to where it continues to be an academic leader, and that's what I expect out of a trustee.

MR. PEELER: That's a point well-made and taken because I'll assure you my comment about athletics is not all about athletics. Anything that goes on at Clemson should enhance the academic experience of the students. And whether it's 20,000 or 22,000 undergraduate or 5,600 graduate students, what we must remember every day at Clemson is it's about them, not us.

REPRESENTATIVE CLARY: Thank you very much, Mr. Chairman, and at the appropriate time, I'd move for a favorable report.

CHAIRMAN REPRESENTATIVE WHITMIRE: All right. Judge Clary, I assume you were talking about football and not basketball when you were talking about excellence in athletics.

REPRESENTATIVE CLARY: I'm talking about athletics.

CHAIRMAN REPRESENTATIVE WHITMIRE: Oh, got you.

SENATOR ALEXANDER: I second the nomination.

CHAIRMAN REPRESENTATIVE WHITMIRE: Any other questions?

All right. There is a motion for favorable. All those in favor, raise your right hand, please. We have six favorable, and we have two proxies voting favorable also.

Thank you, Mr. Peeler.

MR. PEELER: Thank you very much.

CHAIRMAN REPRESENTATIVE WHITMIRE: And our last candidate is Mr. John Pettigrew, if you'll come on up and let me swear you in, please.

Just raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. PETTIGREW: I do.

CHAIRMAN REPRESENTATIVE WHITMIRE: Welcome, sir, and make a brief statement.

MR. PETTIGREW: Thank you, Mr. Chairman, and members of the committee, and I appreciate the opportunity to be here, and I thank you for your time and for your service to the people of South Carolina.

I'm here today because I love Clemson, and I care about Clemson, and I love South Carolina and care about the people of South Carolina. And it's my desire to serve on the Clemson board so that we can make sure that the university continues to do all that it can do to provide a quality and efficient and relevant education to the people of South Carolina.

Now, I have deep ties to Clemson, and that doesn't make me qualified to be on the board, but my ties go back over 100 years. My grandfather on my mother's side graduated in agriculture in 1918, and then my father

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went to Clemson on the G.I. Bill and was able to finish in 1949. I graduated in 1982, and my wife graduated in 1987. So I do have strong ties to Clemson, and I want to see Clemson continue to succeed and continue to do more and more in serving the people of South Carolina and being accessible to the people of South Carolina.

While I was at Clemson, those years, those four years, were great years, 1978 to 1982. I met a lot of friends. I learned a lot inside the classroom and outside the classroom, probably more outside the classroom, that has helped me in my life, and now I'm at the point where I'd like to give back to the university that meant so much to me and has helped me every day of my life. And so that's why I would like to serve on the board.

I have studied Thomas Green Clemson's will and know that he had a vision and a commitment to serving the average South Carolinian, and that would be in the forefront of any decision that I would make if I were fortunate enough to be on the Clemson board, would be is this best for the people of South Carolina?

I know that the legislature has been very supportive of Clemson, and we appreciate that. And I feel Clemson is doing a lot of good things, but I think there's room for improvement, things we can do better, and I would just be honored to have that opportunity to be able to be a part of that board.

Thank you, sir.

CHAIRMAN REPRESENTATIVE WHITMIRE: Questions for Mr. Pettigrew?

Senator Scott.

SENATOR SCOTT: Thank you, Mr. Pettigrew. I see you're from Edgefield.

MR. PETTIGREW: Yes, sir. I grew up in Edgefield, and I lived there for 60 years, and we actually moved to Aiken back in August. But so now I live in Aiken, but I -- Edgefield is where I was born and raised. Yes, sir.

SENATOR SCOTT: Very good, very good.

Tell me a little about some of the things that you think that they can do better. I've heard that we're working on it and we've got a new vision for it. What are some things that they can do better?

MR. PETTIGREW: Yes, sir. I think we need to be more accessible to the people of South Carolina. We have -- at Clemson, the percentage of out-of-state students has continued to grow at Clemson.

And as mentioned earlier, now in the freshman class, it was about 40 percent from out of state, and overall it's a little over 60 percent in-state and 38 or 39 percent from out-of-state.

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And the State of South Carolina gives a lot of money to Clemson. They've got a lot invested there, in all the buildings and facilities. I think in last year's budget, it was \$154 million total of state dollars went to Clemson.

And there are a lot of people in our state that want to be able to go to Clemson, and I think that they ought to have that opportunity, whether they are number one in their class or maybe a little further on down. They can succeed in life, and I think that Clemson needs to do more to welcome South Carolina students to the student body.

SENATOR SCOTT: What is the SAT score required now to get in Clemson?

MR. PETTIGREW: It keeps getting higher and higher, and I think right now the average is a little over 1300.

SENATOR SCOTT: Okay. Is there any other school you know in South Carolina that requires 1300?

MR. PETTIGREW: Clemson's SAT score, from the information I've seen, is the highest in South Carolina.

SENATOR SCOTT: So that could be a major barrier, why there kids won't come, if you're required to get a 1300.

MR. PETTIGREW: Well -- well, that could stop some from coming, and, you know, Clemson can't accept everybody.

SENATOR SCOTT: That's understandable.

MR. PETTIGREW: We can't.

But there are some that are -- I'm afraid that are being bumped by out-of-state students, and Clemson has been aggressive in providing abatements or reductions in the tuition for out-of-state students to attract some top out-of-state students. And last year, that figure was -- the abatement figure was a little over \$33 million. And to attract the out-of-state students -- yes, you need diversity. You need folks from out of state. But I don't know if we need to be at the level where we are.

And then if you take that a step further, with out-of-state students, there was a study done by the State Employment and Workforce commission that looked at students five years after graduation to see where they were. Were they still in South Carolina, or were they somewhere else?

And according to that study, after five years, the Clemson graduates, 55 percent of those from in state were still on the payroll in South Carolina.

SENATOR SCOTT: Yes, sir.

MR. PETTIGREW: But only 14 percent of those from out of state were on the payroll in South Carolina. So it's about three times as great a

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chance that they'll stay in South Carolina and work, and we need the workforce, as I think you pointed out earlier, if they come from in state.

So I just think that we need to adjust that ratio a little bit with the in-state and the out-of-state.

SENATOR SCOTT: I was just concerned about the almost 600 kids who did get accepted and end up not being there, and then I got the answer it was money. But then you've got -- you spend \$33 million to bring out-of-state students here, so it's really not money.

MR. PETTIGREW: Yes, sir.

SENATOR SCOTT: It's about where we put our priorities.

And then -- and the reason why I mention to you Edgefield, because I was in the general vicinity. I guess that's Highway 25 that brings us back -- back into it. And I'm looking at other schools who are doing recruitment and trying to get more students who come out of that region to start coming to Clemson.

But if I've got almost 40 percent out-of-state, that's not a reasonable concept to bring students in.

MR. PETTIGREW: Right.

SENATOR SCOTT: And like the -- that the -- Representative Clary said, Judge Clary said, early on the relationship in the community -- well, that community expands outside of just downtown Clemson. It expands within your region.

And we're looking adjacent to you, and I mentioned Lander a minute ago, and I asked the question yesterday. A lot of your students, they're coming from within that same region, and a lot of these kids who can't afford to go -- of course, because of the technical education agreement with -- with -- I guess that's Greenwood tech up there. They're utilizing that to bring these students in.

I asked also about the cost, the tuition cost. And, of course, we're freezing costs, but if we give them money on the front end, and the General Assembly's now trying to give y'all extra money so that you don't continue to raise tuition. But when you're giving away those kinds of dollars to out-of-state when the whole goal is to save these in-state students, I've got some real concerns about the impact of what it's actually having on being able to recruit these students.

And I know we're not going to solve all this today, but that's going to be a question again before this year is over with, especially at the time of funding, because if we're funding out-of-state students, I've got a real issue with that. Our money needs to be, of course, spent to bring these in-state students.

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What's your concept of the kids who are coming out of, I guess, Greenwood, Laurens, Abbeville, McCormick, Saluda, Anderson, back up to Clemson, recruiting in that region? How many of those students are actually going to Clemson? Because you're not going to tell me all these students don't have good grades.

MR. PETTIGREW: Yeah. I don't know the percentage from a certain region.

SENATOR SCOTT: Right.

MR. PETTIGREW: And of course I look at Clemson as trying to serve the entire state.

I can give you an example from Edgefield. A good friend of mine, an African American who -- you probably know him. I won't call his name right now. But his son was a top graduate in high school --

SENATOR SCOTT: Right.

MR. PETTIGREW: -- out of Edgefield County, and he looked at Clemson. He looked at some other schools. And I encouraged his father for his son to take a closer look at Clemson, but he ended up going to Duke.

And I asked him why, and he said they gave him a full ride and paid for everything: room, board. A total of about \$270,000 was the value of that scholarship.

SENATOR SCOTT: His package.

MR. PETTIGREW: And at Clemson, we have scholarships, and we have the Palmetto Fellows and the Life Scholarships and whatnot, and the 15,000 tuition, that's only about half of it because you've got -- Clemson, in fact, estimates 15,580 for tuition and fees; room and board, 11,400; books and supplies, 1,400. And that doesn't include any transportation or other expenses, so that's about \$28,000.

So when -- when top students are offered the opportunity to go somewhere else and everything is covered, that makes it hard to compete to get those to Clemson unless we have a similar type of scholarship program for those students.

SENATOR SCOTT: How many students actually live off campus at Clemson? I was listening again to the judge talking about the relationship and housing. I googled it, and there are some three bedrooms, three baths, I think 1,200 square feet at 575. So are we encouraging kids to live off campus, or are we just creating this --

MR. PETTIGREW: Well, there's not enough dormitories.

SENATOR SCOTT: -- this fence?

MR. PETTIGREW: Yeah. There's not enough dormitory space to live on campus. And if you go to Clemson, Clemson has built more dormitory

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space, but also the private sector with apartments, a number have sprung up in the last eight or ten years too.

SENATOR SCOTT: Right.

MR. PETTIGREW: To meet the increasing enrollment.

SENATOR SCOTT: They're doing the same thing here in Columbia too.

MR. PETTIGREW: Right.

SENATOR SCOTT: I'm just trying to get a good feeling for the direction y'all need to go so you can actually get your numbers up because they just still don't look good.

Thank you.

MR. PETTIGREW: Yes, sir. Thank you.

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good to see you this morning.

MR. PETTIGREW: Thank you, Senator Alexander.

SENATOR ALEXANDER: Thank you for your willingness to serve.

On the abatement, is that -- would you agree that's not unique to Clemson?

MR. PETTIGREW: That is not unique to Clemson, no, sir. All of the colleges and universities in South Carolina --

SENATOR ALEXANDER: Including USC.

MR. PETTIGREW: -- have abatements to some degree. In fact, USC has even larger dollars that they abate on tuition to out-of-state students.

SENATOR ALEXANDER: I just didn't want us to leave here today thinking that was unique to Clemson.

MR. PETTIGREW: No, sir. No, sir. You are absolutely correct.

SENATOR ALEXANDER: So you've heard the comments and questions about -- and you, as a graduate, how do you ensure making sure that that Clemson experience, if that's truly a value that we place there, how do we ensure that that continues to be there for future students?

MR. PETTIGREW: Well, I think we have as -- more South Carolina students, I think, would contribute to that.

And I don't know if we need to get, really, any larger because the larger you get, whether it be an organization or a church or whatever, you lose a little bit of the personal interactions and personal contacts. I think one thing you alluded to, having some staff and faculty that have Clemson degrees, a Clemson background. Of course, not everybody can or will, but that should be part of it.

So -- and I think right now, people that go to Clemson love Clemson, and they still have that feeling. I don't think it's been lost.

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SENATOR ALEXANDER: I agree.

MR. PETTIGREW: But we have to be careful that it isn't lost.

SENATOR ALEXANDER: And that's where I'm going.

MR. PETTIGREW: Right.

SENATOR ALEXANDER: I want to make sure -- so you would be -- if you were on the board, you would be committed to making sure that the efforts were...

MR. PETTIGREW: Oh, yeah. Oh, I very much feel that and feel that that's important, yes, sir.

SENATOR ALEXANDER: And it's my understanding in the reading here that while you were at Clemson you served as student body president.

MR. PETTIGREW: Yes, sir.

SENATOR ALEXANDER: And you had the ability to attend the board meetings and would bring that perspective as well.

MR. PETTIGREW: Yes, sir. Yes, sir.

SENATOR ALEXANDER: Okay. And I'll leave it to others on the town-gown relationship.

CHAIRMAN REPRESENTATIVE WHITMIRE: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

Mr. Pettigrew, can you share your perspective on the curriculum question that I've focused on today?

MR. PETTIGREW: Yes, sir. I think that the founding documents are certainly important and important that all students have a good understanding of that.

And as you pointed out, that's the law, and I think Clemson needs to make the effort to ensure that that's complied with and that the students do have that education, whether it be a one-hour course, whether it be on part of an introductory to Clemson course, an introductory to the founding documents course kind of combined.

I don't know exactly how credit-wise that should be part of the curriculum, but I think it can be done. If there's a will to do it, it can be done.

SENATOR VERDIN: So certainly something more robust than is currently offered.

MR. PETTIGREW: Yes, sir.

SENATOR VERDIN: And, you know, I know we have a flagship institution in this state, but --

MR. PETTIGREW: That's Clemson, right?

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SENATOR VERDIN: Well, I share the sentiment that some of these that are more closely related to them do -- well, actually, I paid three tuitions through there. I'll use the term standard-bearer.

MR. PETTIGREW: Okay.

SENATOR VERDIN: I do believe that if Clemson shows leadership in this arena, a lot of other institutions will fall right in behind them.

So -- because I don't plan to ask this question -- if I'm continued the honor of representing my colleagues on this panel here, I don't know that I'll be asking this question of everyone else. But because of my regard for Clemson and the standard that they set as the standard-bearer academically, I felt compelled today to focus on this arena.

But thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Judge Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Chairman.

Mr. Pettigrew, welcome.

MR. PETTIGREW: Thank you.

REPRESENTATIVE CLARY: When we talk about abatements, and you've mentioned Clemson's \$33 million, and we -- it was alluded to that other schools have even larger percentages of abatements and -- but the question was not asked, how about the ratio of out-of-state students at other campuses throughout the state?

You know, we're just talking about Clemson. Clemson's not unusual. I think Clemson probably has a higher number, of the larger schools, of in-state students than the other large schools in this state. Would you agree with that or disagree with it?

MR. PETTIGREW: USC here in Columbia does have a larger number of out-of-state students and does have a larger amount that is abated. And -- but there are --

REPRESENTATIVE CLARY: How about Coastal?

MR. PETTIGREW: I don't know the numbers off the top of my head for Coastal.

REPRESENTATIVE CLARY: How about the College of Charleston?

MR. PETTIGREW: Yeah. They all use abatements. They do.

REPRESENTATIVE CLARY: So it's not something that is just unusual for Clemson.

MR. PETTIGREW: It is not unusual for Clemson to abate the tuition.

It's been increasing considerably over the last few years, and that's -- that's what's caused me concern when we look at all those students staying here after they graduate and contributing to the economy of South Carolina.

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REPRESENTATIVE CLARY: Well, if you'll go sit in a Ways and Means Committee meeting, that's something that is -- confronts the colleges and universities every time they present their budgets.

MR. PETTIGREW: Right.

REPRESENTATIVE CLARY: There's always someone there that is asking those questions, and it's not something that goes unnoticed.

MR. PETTIGREW: Right.

REPRESENTATIVE CLARY: Insofar as the relationship between the city of Clemson, the surrounding Clemson area, and the university, what -- what do you see that you could bring to the board of trustees that's going to improve that?

Because, you know, my contingent is that if you just go there for a football game, you go there for a board of trustees meeting, and you never move around and see what's going on in that area, you have no idea what kind of impact is occurring. So tell me what you would bring to improve that.

MR. PETTIGREW: Well, I would bring a fresh perspective as to not being on the board right now.

And in the past, I served as mayor of the town of Edgefield, so I kind of have a perspective of the local government and how the focus of the local government officials is to make sure that their community is a great place to live and to work and, you know, to do business, to raise a family. So I understand that.

And I just think that communication, though, is really the key to it and the ongoing communication, as has been said previously, not just when there's an emergency and a crisis, but ongoing communication all the time, back and forth with the town officials and the university to talk about what you have planned or give a heads-up on various projects, street closures, or whatever it may be. I think that the communication would go a long way to improve those relationships.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN REPRESENTATIVE WHITMIRE: Any other questions? Do I have a motion?

SENATOR SCOTT: Favorable report.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN REPRESENTATIVE WHITMIRE: There's a motion favorable and a second. All those in favor, please signify by raising your right hand. We have six, and two proxies are also favorable.

So thank you very much. You're reported out favorable.

All right. Is there anything else good for the committee?

MS. CASTO: That's it.

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CHAIRMAN REPRESENTATIVE WHITMIRE: That's it.

COASTAL CAROLINA UNIVERSITY

CHAIRMAN SENATOR PEELER: Now we'll move to Coastal Carolina University, 5th Congressional District, Lisa Davis.

MS. CASTO: Members of the committee, this is an unexpired term. We had a resignation, so this seat is for the 5th Congressional District. It expires June 30th of 2023.

CHAIRMAN SENATOR PEELER: How are you doing?

MS. DAVIS: Good.

CHAIRMAN SENATOR PEELER: For the record, give us your full name.

MS. DAVIS: My name is Lisa Mabry Davis.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. DAVIS: I do, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement on why you'd like to serve on the Coastal Carolina board?

MS. DAVIS: Sure, I would.

My name is Lisa Davis, and I graduated from Clemson University in 1991, and I graduated from the University of South Carolina in 1993 with a master's in speech pathology. I'm a speech pathologist. I privately contract with BabyNet, and I own Meeting Milestones Early Intervention Services.

My son goes to Coastal Carolina. He will graduate, thank God, in May of this year. It's a wonderful institution, and I have served as Coastal Carolina's unofficial cheerleader in Cherokee County now since he's been attending the institution in 2016.

CHAIRMAN SENATOR PEELER: Questions or comments?

SENATOR VERDIN: Where'd you say, Cherokee?

MS. DAVIS: Cherokee County, Gaffney.

SENATOR VERDIN: Gaffney like --

MS. DAVIS: Yes.

SENATOR VERDIN: I didn't look at the address. Grassy Pond by any chance?

MS. DAVIS: No, almost. Almost. It's more of the battleground area.

SENATOR VERDIN: Battleground.

MS. DAVIS: Yes, yes, yes.

SENATOR VERDIN: So --

MS. DAVIS: Cowpens battleground. Almost Grassy Pond.

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SENATOR VERDIN: -- one of the five -- what's that road that runs over there, 11?

MS. DAVIS: Yeah, it's Highway 11. We live right off of that.

SENATOR VERDIN: Yeah, I'm just showing out for the Chairman.

MS. DAVIS: God's country, God's country.

REPRESENTATIVE CLARY: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Mr. Clary, also from there.

MS. DAVIS: That's right.

REPRESENTATIVE CLARY: I guess my question would be do you understand Gaffnese?

MS. DAVIS: I do. I do. And I'm so afraid that I may speak some in this microphone in front of you distinguished leaders.

CHAIRMAN SENATOR PEELER: That's a plus.

Ms. Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

I see that you noted that the school's weakness was its reputation as a party school.

MS. DAVIS: I did.

REPRESENTATIVE DAVIS: So I have a son who's currently at the College of Charleston.

MS. DAVIS: Also...

REPRESENTATIVE DAVIS: And so he's made some comments along those same lines.

So I'm wondering how would you change that? What sort of actions would you take as a board member to change that reputation?

MS. DAVIS: Fortunately, I think the college is changing its reputation on its own, without my help. I was very surprised.

I think with -- with establishing more serious-minded majors -- Coastal Carolina University has an intelligence and national securities major now. It draws a very intense, very focused group of students. They have a certificate in geospatial technology. Again, drawing a very serious-minded student who is very focused and very driven.

I think with -- the bringing in of those programs certainly kind of downplays that party school reputation, and the security on that school has been phenomenal. My daughter attends another -- another school in the state, and she's having a much better time than he is. So I think that, you know, the staff and the -- and just the direction of the whole university is going in a more serious direction.

REPRESENTATIVE DAVIS: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

Mr. Alexander.

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SENATOR ALEXANDER: Move for a favorable report.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, all in favor, raise your right hand.

Thank you, ma'am.

MS. DAVIS: Thank you.

CHAIRMAN SENATOR PEELER: Thank you so much for your willingness to serve.

MS. DAVIS: Thank you.

COLLEGE OF CHARLESTON

CHAIRMAN SENATOR PEELER: I'm going to move up to Tab H, Andrew Gianoukos, 1st Congressional District, B-2.

That's why I ask you to give us your full name for the record. That way, you can tell us how you pronounce your name.

MR. GIANOUKOS: Okay. Yeah. Andrew Anthony Gianoukos.

CHAIRMAN SENATOR PEELER: Oh, I said it pretty good.

MR. GIANOUKOS: Yeah, you did good. Closer than most people.

CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. GIANOUKOS: Yes, I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. GIANOUKOS: Yes. My name is Andrew Anthony Gianoukos. I was born in Charleston, South Carolina. So I'm a Charlestonian and an alumnus of the College of Charleston. Been in business -- two brothers are in business with. We're in the logistics business in warehousing and trucking with about 120 employees at this time. Been a big supporter of the College of Charleston. We were one of the founding members of the TD Arena.

Also, we supported and helped the College of Charleston golf team. I was a -- went on scholarship; part academic, part golf scholarship for the College of Charleston back in 1975. All three of my children went to the College of Charleston.

So, again, being a big and long-time supporter and a Charleston native, I've seen the college grow over a long period of time. And I thought it was, you know, time, maybe, to hopefully lend my business skills and for my school that I went to, and whatever I can do to help it, to improve it, to work as a team member, that's what I'm here to do.

CHAIRMAN SENATOR PEELER: Okay.

Questions, comments?

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REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Gianoukos, for your desire to serve. A couple of questions for you. You talk about the College of Charleston's biggest strength: the quality of facilities, location. So are you telling me that the College of Charleston has everything that it needs in so far as facilities are concerned?

MR. GIANOUKOS: No. I think it's definitely at a good point, I mean, based on -- obviously, we were in the Southern Conference for a long period of time, and now, as far as with the Colonial -- but just based on where Charleston is, the proximity to the beach, the campus, the city, I think it's a perfect spot for any young woman or man in order to get their college education.

I think there's definitely improvements, as, again, as we've tried to help the golf program, just as there is for improvement in any -- anyplace.

I know they've grown. They've bought a lot of buildings, a lot of assets. And, you know, being a, you know, a business owner, I'd like to see them continue to improve and continue to offer more so as, you know, to be competitive in whatever the area, whatever the conference they're recruiting from or even within this state.

REPRESENTATIVE CLARY: I'm not as much concerned about the athletic part of it --

MR. GIANOUKOS: Sure, as a school.

REPRESENTATIVE CLARY: -- as I am the academic part of it and the housing and so forth.

MR. GIANOUKOS: Sure.

REPRESENTATIVE CLARY: When you -- you also talk about a large percentage of out-of-state students, so what do you consider to be a large percentage?

MR. GIANOUKOS: I think, you know, right now, I believe it's at 35 percent. I'd like to see it go down some. I know appropriations going for in-state students, I think -- I think we have a lot of good, smart men and women in our own state that I'd like to see more done to try to recruit those particular individuals to come to the College of Charleston.

But I think -- I don't think the percentage is way off key, but I think we can do some improvements to get more in-state students into the -- into the College of Charleston.

REPRESENTATIVE CLARY: You also talk about ways to improve the school, that course programs need to be in line with manufacturing jobs. How do you accomplish that at an institution that is predominantly a liberal arts orientation?

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MR. GIANOUKOS: Well, I think, again, you know -- yeah, being new and obviously haven't had a chance and sit down and talk to the other board members, I mean, as Charleston has progressed, you see a lot more manufacturers coming in from Volvo to Daimler to -- and I think that -- I'd like to see students -- more programs offered for higher-paying jobs.

Again, I'm not opposed to a liberal arts college because I know how college is, but I'd like to see us focus on even more programs, whether I.T., whether it's manufacturing sector, that when, you know, the student is -- we asking to spend 70, 80, a hundred thousand -- whatever it is -- for a college education, that when they get out, those higher-paying jobs are waiting. And I think -- I'd like to see more, being from the business segment of the world, I'd like to see more business, more manufacturing opportunities that the college could offer so these, you know, these students could get higher-paying jobs.

SENATOR SCOTT: Mr. Chairman.

REPRESENTATIVE CLARY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: And so am I to understand you're more concerned about in the management area, those students would be prepared to be -- help run and manage those companies in their operation?

MR. GIANOUKOS: Yes, sir.

SENATOR SCOTT: But at the same token, am I understanding you to say you want also for them to understand how the working man at the company actually function and some of their responsibilities as well?

MR. GIANOUKOS: Sure, sure. I know even, just speaking for myself, we started at the ground floor. Even though I'm owner of the company --

SENATOR SCOTT: Right.

MR. GIANOUKOS: -- and worked myself -- worked my way up, you know, I think that's important to understand it from the bottom to the top. But I do see South Carolina, and in particular, the Charleston area, and even up in the upper part there, more and more manufacturing is coming into the state. This port is producing more and more opportunities, and I think, you know, those jobs, hopefully, are going to be higher-paying jobs. And I'd like to see us -- not to get away, totally -- obviously, we're a liberal arts college -- but I think we need to put some more emphasis on that --

SENATOR SCOTT: So you say as a technical school, concentrate on those who actually do that area work. You want to make sure the shift managers and those who can actually manage people mainly get some training.

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MR. GIANOUKOS: Yes, but also the higher -- also the higher-level jobs.

SENATOR SCOTT: Those are higher -- yeah, yeah. Well, your shift managers and your district managers --

MR. GIANOUKOS: Yes, sir.

SENATOR SCOTT: -- company managers --

MR. GIANOUKOS: Yeah, and as they --

SENATOR SCOTT: -- get those trained, get --

MR. GIANOUKOS: With that educational background, they can move their way up and eventually, you know, manage, be, you know, high-level management for those particular companies. And, again, I don't, you know, want to see somebody invest a lot of money and they come out of school and there's nothing either there for them or they're low-paying jobs. And that's, that's what my focus would be more on as a team member.

CHAIRMAN SENATOR PEELER: Anyone else?

What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

MR. GIANOUKOS: Okay, thank you very much.

CHAIRMAN SENATOR PEELER: Thank you, sir.

MR. GIANOUKOS: Y'all have a great day.

CHAIRMAN SENATOR PEELER: Mr. Stern, you are in the 2nd Congressional District, Seat 4. Brian Stern of Columbia.

MR. STERN: Good afternoon.

CHAIRMAN SENATOR PEELER: Good afternoon, sir.

MR. STERN: How are you?

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. STERN: Brian Stern. Brian Jeffrey Stern.

CHAIRMAN SENATOR PEELER: Okay. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. STERN: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. STERN: You know, I would just like to thank you guys for the opportunity for serving on this board thus far. It's been incredible to

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serve my alma mater and come full circle. You know, for me, it's -- I'd like to say it was not too long ago that I was a student at the college, and now to be able to serve on the board and be a part of some of the tremendous change that we have going on there at the college, including the new hire of a president. It's been fantastic to be a part of and to kind of pave the way for the future of the college. So I appreciate the opportunity to serve so far and hopefully to continue to serve.

CHAIRMAN SENATOR PEELER: Questions or comments from members of the committee?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Welcome, Mr. Stern, and thank you for also serving. I'm going to pose the same question to you that I did just a few minutes ago regarding orientation and training because I think that's important to me for people who are being brought in as new board member. Can you tell me how -- what you received when you came on the College of Charleston board?

MR. STERN: Sure. You know, the first thing that we did was, we had a dinner with the chairman and the new board members prior to coming on. And it was great to kind of, in a casual atmosphere, get a better understanding of who was on the board, be able to ask some of those introductory questions that you might not ask at a board meeting, just to get your understanding of the lay of the land.

From there, I sat in on a board meeting, not participating, but I was able to sit in and kind of see how the board was run. And then I met with all the department heads, different board members, and so on. I felt as if I was given a very good introduction to the board and understood what was coming with it.

And obviously, I didn't know everything that it entailed, but I was given a very quick crash course where I felt comfortable walking in where I wasn't walking in blind. So I felt as if the, the coming onboard process was fairly seamless.

REPRESENTATIVE CLARY: And to follow up, I think your colleague mentioned that you're about two-thirds/one-third South Carolinians to out-of-state, and your tuition for an in-state student is \$12, 418. What's the out-of-state tuition at the college?

MR. STERN: It is currently 31,600.

REPRESENTATIVE CLARY: And you also talk about ways to improve the school to focus on comprehensive institution, world-class port --

MR. STERN: Sure.

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REPRESENTATIVE CLARY: -- Boeing jet manufacturing, and the need to leverage contracts. Tell me how you intend to do that as a board member.

MR. STERN: Well, you know, aside from Charleston's geographic location, which I think is one of its biggest draws, I think the fact that we -- big business has now come to Charleston as a result of the port there, along with South Carolina being a great place to work, we have some great big businesses that come there along with the port that we should leverage.

I think that as a college, being in that area, we need to recognize what kind of degrees and what kind of student that we're pumping out of that college and making sure that they are fitting the needs of the businesses and what the state has to offer.

So whether that be engineers or whatever it may be, coming out of Boeing or BMW or Mercedes or the port, there's various degrees that we don't take advantage of, and we have a lot of great, warm contacts there that want to continue to work with the college, and I want to make sure that we're offering those things to the students that are, in my opinion, low-hanging fruit.

REPRESENTATIVE CLARY: And then, when -- on your statement of economic interest, you said you serve on the Richland County School District Two Board from 2016 to 2020; is that correct?

MR. STERN: You know, that is a typo if it says 2020. I apologize. That -- I served on the Planning Commission from 20 -- I want to say 2014 to 2018.

REPRESENTATIVE CLARY: Okay.

MR. STERN: So that might have been a typo in there. My apologies.

MS. CASTO: Mr. Stern, this is what you have on file with the State Ethics Commission.

MR. STERN: Okay.

MS. CASTO: You may want to amend it with the State Ethics Commission because it says you're on the Richland County School Board, District Two School Board, instead of the College of Charleston board.

MR. STERN: Okay. I must have checked in the wrong box there. I apologize.

MS. CASTO: Yeah, yeah, okay. Yes, sir.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

MR. STERN: The dates, though, for the -- currently for my board position, those dates are correct, so thank you.

CHAIRMAN SENATOR PEELER: Desires of the committee?

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(Motion for a favorable report.)

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Motion is favorable. Objections? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, sir.

MR. STERN: Thank you for your time, guys. Appreciate it.

CHAIRMAN SENATOR PEELER: As indicated earlier, we're going to College of Charleston, 3rd Congressional District, Seat 6, Craig Thornton, Greenville.

MS. CASTO: It's Tab J.

CHAIRMAN SENATOR PEELER: Okay.

MS. CASTO: On page 10.

CHAIRMAN SENATOR PEELER: Good afternoon, sir.

MR. THORNTON: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. THORNTON: Craig Calloway Thornton.

CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. THORNTON: I do, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. THORNTON: Yes, sir. And actually, I guess, in lieu of a statement regarding myself, I'd just like to personally extend my sincere condolences to -- over the Rena Grant family. I know there was an unfortunate incident with her this weekend, and I know that she was a valued member of the Ways and Means staff and had been around this community for a long time.

While I don't know her well, I had met her a number of times, and she was an exceptional young woman. So I just want her family to know that our prayers are with them.

CHAIRMAN SENATOR PEELER: Thank you so much. That's it for your statement?

MR. THORNTON: Yes, sir.

CHAIRMAN SENATOR PEELER: Okay.

Any questions or comments?

SENATOR SCOTT: Yes.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Yeah, thank you.

Thank you, Mr. Thornton --

MR. THORNTON: Yes, sir.

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SENATOR SCOTT: -- for your willingness to serve. And this will be your second term. Tell me a little bit about the diversity program at the College of Charleston. I know y'all have been working on that for quite some time.

MR. THORNTON: Yes, sir, and that's something we've been working on quite a bit.

SENATOR SCOTT: Yeah.

MR. THORNTON: And actually, I guess -- I'm sorry.

SENATOR SCOTT: Go ahead. Tell me what --

MR. THORNTON: Well, back in 2009, the college actually established, I think it's OID, which is our Office of Institutional Diversity. And the phenomenal Dr. Renard Harris is the director of that program. And it's a combination of looking at our diversity numbers and, one, how do we increase those?

I think currently, we're at about 8 percent as far as African-American numbers goes for our enrollment. And how do we increase those and attract more students of color into our university and getting more applications and actually getting them into school? But it's also a process of, once they're in school, how do we help all of those students actually succeed through the process?

SENATOR SCOTT: Right.

MR. THORNTON: You know, there's actually a program we have called Crossing the Cistern, where it's a process of meeting with those students and regularly checking in, being cognizant of their schedules and monitoring, I guess, their day-to-day to activities to make sure they're going to class and make sure that we're doing all we can to help them succeed throughout the school year.

SENATOR SCOTT: I noticed that y'all were struggling also with faculty and staff as well as teachers.

MR. THORNTON: Yeah, I think current --

SENATOR SCOTT: Well, is that coming? Because if you're going to track students, students have their folk that they can -- also can relate to as well.

MR. THORNTON: Yes, sir. And that's one thing we're actually -- within the last 18 months, I believe, is when it first came up. We actually -- I think it happened before that, but most definitely, about 18 months ago, we started tracking the actual faculty and staff and actually looking into, okay, what's our population look like?

I think currently, we're at about 20 percent minority, with a large portion of that -- or actually, a small portion of that being African American. I think it's 4 or 6 percent. I can't remember the exact number.

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But it's something we've done a deep dive into, and we're looking at, okay, how can we attract more -- more minorities as far as faculty and staff?

SENATOR SCOTT: Right.

MR. THORNTON: And I think we're, we're more heavily on the staff side than we are the faculty because I think the faculty is an area of focus we need to really dig into and figure out, how do we make a change with that and encourage more of that?

SENATOR SCOTT: What about your in-state/out-of-state students? How are you doing with that?

MR. THORNTON: I think currently, our in-state students were about at 65 percent enrollment, so with 35 percent being out-of-state. And it's a tough, tough area to focus on. Obviously, we want to focus on South Carolina kids. That's -- we're a state-funded. But I guess the hard part is, you know, we've set kind of our baseline: Okay, here's what it takes to succeed at the College of Charleston. And we accept every one of those kids in South Carolina who meets those standards.

But the problem is actually getting them to come to our school. As you know, the -- I guess the abatement game is one that's been floating around for a while. College of Charleston just got into it a couple of years ago, and we're much, much lower on the totem pole. We're actually putting some programs in place now to, one, help with diversity in South Carolina students but also those students in general because we're trying to offer them some additional funding to come to our school in state.

SENATOR SCOTT: Do you have an articulation agreement with tech schools?

MR. THORNTON: Sir?

SENATOR SCOTT: Do you have an articulation agreement with the tech schools? That's a great place to --

MR. THORNTON: Yes, we actually have a bridge program with the local tech school. It's kind of -- it's an extra layer of, okay, if you don't quite fit this mold, and we have some conversations about maybe you want to, you know, take a year to figure out if it's right for you. And then they actually take class -- I guess, take their classes in our classrooms, stay on our campus, but they're actually taught by the tech school teachers. It's a great program. We started a couple of years ago.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Thornton --

MR. THORNTON: Yes, sir.

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REPRESENTATIVE CLARY: -- for being here and for your service. Being a relatively new member of the board, can you tell me what kind of orientation and training you had when you were chosen for the College of Charleston board?

MR. THORNTON: Yes, sir. Actually, I mean, going in, what I had -- wasn't exactly sure what I was walking into. I knew it was something I wanted to do, but it didn't -- wasn't sure what all it entailed.

And, I mean, we put -- they put me through -- I mean, it was rigorous full two days, which doesn't sound like a lot, but, I mean, two full days meeting with the chair of the board, a number of members of the board, every different head of each segment of the school to better understand exactly, maybe, the needs they have, some of the things that they were going to be presenting to us going forward.

And it was just really -- I mean, a very, very good overall view of exactly what you could expect from the board.

REPRESENTATIVE CLARY: And you mention, in response to the questions that are presented to you, ways to improve the school, the development of a long-term strategic plan.

MR. THORNTON: Yes, sir.

REPRESENTATIVE CLARY: What are you doing about that?

MR. THORNTON: That's actually a very good question because it's the -- I guess, our current plan has not been revised since, I believe, 2009. And, you know, we just hired an excellent new president, Dr. Andrew Hsu, who has been phenomenal. And we are in the halfway point right now of the process of developing a brand-new plan. And that's something we hope to bring to campus. I mean, he's done a great job just by getting campus input and faculty and staff input. We want it to be a model that everyone believes in and can buy into that we can go forward with for the future.

REPRESENTATIVE CLARY: All right. Thank you very much, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Speaking of your president, I had a chance to sit down and break bread with him last Christmas. Very impressed. I think you made a wise choice, and I hope he'll stay a long time.

MR. THORNTON: I do as well.

REPRESENTATIVE WHITMIRE: Congratulations on that selection.

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MR. THORNTON: Thank you, sir.

(Motion for a favorable report.)

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Motion is favorable, seconded. Any discussion? If not, we'll take it to a vote. Raise your right hand. Unanimous. Thank you.

MR. THORNTON: Thank you.

CHAIRMAN SENATOR PEELER: Thank you, sir. Next, we'll come up to 4th Congressional District, Seat 8, Renee Romberger from Greenville.

MS. ROMBERGER: Yes, sir.

CHAIRMAN SENATOR PEELER: Good afternoon, ma'am.

MS. ROMBERGER: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. ROMBERGER: Renee Buyck Romberger.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. ROMBERGER: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. ROMBERGER: Thank you. I want to say what an honor it's been for me to serve on the College of Charleston board of trustees since 2013. My passion is the College of Charleston. As a graduate, I care deeply about the school, and I consider it an honor and a privilege to have had the opportunity to serve in this capacity, and I look forward to continuing my service if given the opportunity. Thank you.

CHAIRMAN SENATOR PEELER: Questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Welcome, Ms. Romberger.

MS. ROMBERGER: Thank you.

REPRESENTATIVE CLARY: Thank you for your service. Ways to improve the College of Charleston: You talked about funding as a constant struggle, and I understand that. Need to grow the endowment. What kind of an endowment do you have at the College of Charleston?

MS. ROMBERGER: We're now up to about a hundred million dollars in our endowment, so compared to many large universities, we don't have a very large-size endowment, so that's a huge goal for us.

REPRESENTATIVE CLARY: So I guess that ties in with the biggest weakness, that lack of scholarship support?

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MS. ROMBERGER: It, it does, and I think a lot of our ability to grow the endowment is related to leadership. And we are so excited about our new president. In fact, we just celebrated our 250th anniversary several weeks ago and had a day of giving. And in one single day, we raised over \$5 million for the College of Charleston. And I think it speaks directly to that people are so excited about our new president and his leadership.

REPRESENTATIVE CLARY: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Vice Chairman Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman. A few years ago, there was a controversy at the college about some book the freshmen were supposed to be reading.

MS. ROMBERGER: Yes, sir.

REPRESENTATIVE WHITMIRE: And we had a few colleagues up here that went off the deep end about it. What, whatever happened with that controversy? Did it get, you know, satisfied, or is still going on? What?

MS. ROMBERGER: No, we still have the freshmen Reads! program, which is the program that initiated the book that was selected. I think you see greater interest and involvement in the board in wanting to understand the books that are being selected to make sure that they are appropriate for the students, but we also believe that challenging the students to think outside the box is a critical part of being in a liberal arts university.

And so we still have the freshmen Reads! book that is selected, and each student reads that, prior to coming in their freshman year.

REPRESENTATIVE WHITMIRE: And that's required reading by all freshmen?

MS. ROMBERGER: Yes, yes.

REPRESENTATIVE WHITMIRE: Do they have any -- more than one choice, or do they have to read a particular book?

MS. ROMBERGER: It's usually just one choice, and not only do they read the book and discuss it during orientation during the summer, but then in the fall session, they usually have the author of the book on campus to interact with the students, and some of the professors use the book in their teaching in the fall semester.

REPRESENTATIVE WHITMIRE: Well, I know one thing. That sure caused a controversy up here.

MS. ROMBERGER: It sure did.

REPRESENTATIVE WHITMIRE: And I won't say which Representative.

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MS. ROMBERGER: I remember.

REPRESENTATIVE WHITMIRE: You remember, huh?

MS. ROMBERGER: In my county, I do believe.

REPRESENTATIVE WHITMIRE: Thank you so much.

CHAIRMAN SENATOR PEELER: Speaking of that, do you live in Greenville now, or are you still in Spartanburg?

MS. ROMBERGER: I live in Greenville and work in Spartanburg.

CHAIRMAN SENATOR PEELER: Okay. Okay.

REPRESENTATIVE WHITMIRE: And he's still doing it.

CHAIRMAN SENATOR PEELER: You don't have to recognize him.

REPRESENTATIVE WHITMIRE: I tried not to.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator from Richland, Senator Scott.

SENATOR SCOTT: Thank you, Mr. Chairman. Thank you for your willingness to serve. I want to get your insight of where you think the school is with its diversity. And I know you, as a chief governmental affair officer, would have a little bit more insight because it would probably be part of what you're accustomed to in the workforce.

MS. ROMBERGER: Absolutely.

SENATOR SCOTT: So.

MS. ROMBERGER: I think we have cared about this diversity issue for a number of years.

SENATOR SCOTT: Okay.

MS. ROMBERGER: And I think caring is important, but action is even more important. And when we went through the process to select our new president, we did listening sessions throughout the community to listen to faculty, students, and staff about what we -- they thought we needed, what kind of traits we needed in a new president.

And the thing that we heard across the board is that we need a president who not only believes in diversity and inclusion, but also has a track record of making a difference and showing improvement. And so that was one of the key traits that we found in our new president, Dr. Andrew Hsu. And even since he's been at the helm, we have committed additional dollars to diversity initiatives.

We are adding more needs-based scholarships in South Carolina because we know that that's an important part of the strategy. But he not only believes in recruiting both faculty and students and staff, but also in creating an environment where people feel comfortable and accepted in that environment and want to stay in that environment. So the strategies that you'll see us coming out with in our new strategic plan, there will

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be a number of initiatives focused on diversity and inclusion and acceptance. And we're really proud of that.

SENATOR SCOTT: I mean, I'm -- thank you. And I always go back to how diverse the Charleston area is.

MS. ROMBERGER: Absolutely.

SENATOR SCOTT: And how much talent actually come through there but doesn't remain or go to the schools there.

MS. ROMBERGER: Yeah.

SENATOR SCOTT: And the concern is looking at the region, and those young people know the region. And being able to keep them in the region, even if you go in some of the smaller counties --

MS. ROMBERGER: Absolutely.

SENATOR SCOTT: -- would help to -- help us to fix some of those issues. Once we lose that talent out of that region, you don't get it back.

MS. ROMBERGER: You, you don't.

SENATOR SCOTT: And so if we can't figure out how to keep the talent, we're going to lose the talent permanently.

MS. ROMBERGER: Absolutely. And I think one of the things that we did was, we started a Top Ten initiative where we are automatically accepting students in South Carolina in the top 10 percent of their class. But just accepting them wasn't enough. I think -- I actually shadowed in alumni advising -- I mean, not alumni -- student advising --

SENATOR SCOTT: Right.

MS. ROMBERGER: -- a couple of years ago and met a young man, African-American young man who was valedictorian of his high school class at Stall High School. And he was struggling to stay in school because even as brilliant as he is and was, he had to work two jobs to be able to stay in school.

SENATOR SCOTT: Right.

MS. ROMBERGER: And so this, this focus on needs-based scholarships, I think, are a really important strategy for us to make sure that we not only recruit the talent, but they're able to remain at the college.

SENATOR SCOTT: Right. I know, because knowing that these kids graduate at the top 10 percent of the class, got good SAT scores, outside university will give a full ride.

MS. ROMBERGER: Yeah.

SENATOR SCOTT: And we've had that discussion with some of the other schools too.

MS. ROMBERGER: And that's been our challenge, yeah.

SENATOR SCOTT: And so --

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MS. ROMBERGER: We have -- we have more applications this year than we've ever had, but our yield rate has not been high because we've not been able to compete with many of the other universities who are offering more subsidies to help them be able to accept admission to the college.

And so that's going to be a key priority for us.

SENATOR SCOTT: Well, it's time to progress. I would really like to hear more and more coming from some of the small schools, what we can do to try to help assist and to make sure you get your numbers up, you maintain your students, because you look at Charleston as an example, the cost of living there, bringing other outside folk in to take care of those -- you're just paying more.

MS. ROMBERGER: Yeah, absolutely.

SENATOR SCOTT: And you continue to drive the cost up.

MS. ROMBERGER: Absolutely, and our School of Education, with teachers, that is one of our strong suits, is our education program at the College of Charleston, but we see many students moving away from it just because of salaries. And so we are grateful to the Legislature for your commitment to education right now, both K-12 and higher ed. That is what's going to help us keep tuition low and recruit and retain these students.

SENATOR SCOTT: Thank you, Mr. Chairman.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

You know, Representative Clary has had -- you might not realize this -- or you've been sitting here a while -- Representative Clary, not just today but in this entire screening season has been keen to see how trustees are preparing -- besides your life experiences or professional skills or degrees, what else you bring to the table as relates to focus.

And I just noticed that you're doing something that I'm thinking we might suggest to our colleagues for either formal regulation by rule or even codification, and that is this shadowing you're doing. You are actually shadowing student, faculty, administrator, staff on a regular basis. And if every trustee in this state system were doing so voluntarily, it would be great, but --

MS. ROMBERGER: My biggest fear is that when you sit in a board seat, that you become isolated and disillusioned or disenfranchised or that you can become just out of touch with what's really going on on a day-to-day basis. And that's one of the reasons why we had the listening session

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when we were hiring a president because our students and our faculty felt like they weren't being heard.

And I think that's the fastest way to get your university in trouble, if you're not in touch with your real core mission. And to me, our core mission is educating students, and if we're not out there sitting on the ground, hearing and seeing and talking with students and staff and faculty, I don't know how we can be a very good trustee.

SENATOR VERDIN: Well, I appreciate what you're doing --

MS. ROMBERGER: Thank you.

SENATOR VERDIN: -- and I'm going to look further into maybe formalizing this descent from the ivory tower down to the ground level.

MS. ROMBERGER: Thank you.

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Those Gaffnese, they are sharp as a tack. Sharp as a tack.

SENATOR SCOTT: Mr. Chairman, I -- as a matter of fact --

CHAIRMAN SENATOR PEELER: Mr. Scott.

SENATOR SCOTT: Thank you.

I sat in on one of your sessions prior to your new president coming in.

MS. ROMBERGER: Thank you.

SENATOR SCOTT: I'll tell you, that session -- I don't think you want to thank me on that one. I, I really -- it pointed a lot of different problems, especially with staff feeling comfortable even in talking --

MS. ROMBERGER: Yeah.

SENATOR SCOTT: -- in those kind of sessions about what those real issues are. That's why I keep asking those questions.

MS. ROMBERGER: Well, I think it's --

SENATOR SCOTT: How far are you moving forward to try to fix some of that?

MS. ROMBERGER: Yeah.

SENATOR SCOTT: But you can't fix it if they won't talk to you.

MS. ROMBERGER: Exactly, and I think that was what we learned through that process, is that just because -- if people are unhappy, the worst thing in the world you can do is not listen. When people are screaming -- and one of the questions you asked us is, Would you recommend having a student on the board of trustees or a faculty member?

And my belief is, they're only screaming to be on a board if they feel like they're not being heard. You don't -- you don't go to college hoping you get to sit in a boardroom and listen to boring board meetings. You

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want to be in a boardroom if you feel like they're not listening. And so those listening sessions, there were many that were quite difficult.

SENATOR SCOTT: Right.

MS. ROMBERGER: And painful. But at his inauguration and at the 250th celebration, we had faculty and staff and students standing up and applauding him because they are so thrilled because they believe they have a president who hears them and is going to include them. And I think that's the most important thing we can do. You've got to be in touch with your stakeholders.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. It's unanimous.

MS. ROMBERGER: Thank you.

CHAIRMAN SENATOR PEELER: Thank you so much.

MS. ROMBERGER: Thank you, sir.

CHAIRMAN SENATOR PEELER: Moving -- we're a little fast, little early. Some of them are coming on in, so.

5th Congressional District, Seat 10, under Tab L, McLaurin Burch from Camden. Good afternoon, sir.

MR. BURCH: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. BURCH: Robert McLaurin Burch III.

CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BURCH: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. BURCH: Sure. Mr. Chairman, members of the committee, good afternoon. Thank you for allowing me an opportunity to appear before you today to talk about my alma mater and my vision for the College of Charleston as we enter the next chapter in our 250-year history.

As I just completed my first year of service on the board of trustees, it has been an extremely rewarding, yet also challenging, experience. College and higher education as a whole in South Carolina are facing some very complex challenges. The decisions we make today on how to allocate our resources has probably never been more important.

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I've tried to put my finance and budgeting experience to good use by providing creative, outside-the-box solutions to these problems. I'm very pleased with our new administration and the direction the school is going, and I believe the best days are still ahead.

There are a few key areas that I remain steadfastly committed to improving. One is continued improvement in recruitment, support, and success and a diverse student body and faculty. Second is improving graduation and retention rates. And third, continuing -- continued analysis of our educational programs for relevancy and importance.

To sum these up, I think the overriding theme is student success, success not only in the classroom, but in terms of equipping our graduates with the knowledge, skills, and abilities that they need to succeed in the next phases of their life.

Again, thank you for your time, and with that, I welcome any questions.

CHAIRMAN SENATOR PEELER: Do you have any questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Yes, sir.

Thank you again for your willingness to serve. It seems like it was just last year you were --

MR. BURCH: It was.

CHAIRMAN SENATOR PEELER: Time flies when you're having fun.

SENATOR SCOTT: He said he just -- what is it, your first term. Tell me a little bit about your input and what's going on with your diversity, your diversity program and some of the highs and lows --

MR. BURCH: Sure.

SENATOR SCOTT: -- that you guys are struggling through as part of this program..

MR. BURCH: We have, as previous testimony, put a lot of time and effort and resources into diversity, the recruitment of students, of faculty. It's, it's important to us. The chief diversity officer is now a member of the president's senior staff.

SENATOR SCOTT: Right.

MR. BURCH: We've created a standing board committee that is now diversity, equity, and inclusion committee. And I think we have some phenomenal programs in place for the students that do come. But we've got to get them there, and we've got to do a better job of telling our story and marketing our -- what we have because we go -- I can't speak for the

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other schools, but I know that we go and do everything we can to attract the best and the brightest students of color or any, anybody, so.

SENATOR SCOTT: What about faculty and staff?

MR. BURCH: Faculty, I know, is lower than we want, and we are -- in the past year that I've been on the board, started to look at how can we recruit -- do a better job? We do face some challenges with -- just the cost of living in the Charleston area is higher than I would say most areas of the state, so, you know, we've got to look at compensation, benefits, and the whole picture, and housing and not just, you know, a salary for a job, so.

SENATOR SCOTT: I know Charleston's probably one of the most diverse parts of South Carolina. How well are you doing with some of the local professional teachers and administrators having the interest --

MR. BURCH: Sure.

SENATOR SCOTT: -- in coming to work at the school, which I think helps also to offset some of the costs that you're talking about?

MR. BURCH: Yeah, I would say it's easier for somebody who's already there to come instead of recruiting somebody outside of the region where they don't, you know -- they might have established housing prior, so I do -- I don't have the numbers, but I would say that --

SENATOR SCOTT: That's okay. That's okay. I'm more interested in the programmatic direction that the schools are going into because I know it really makes your community as a whole stronger.

MR. BURCH: Yeah.

SENATOR SCOTT: And especially when you do some of your outreach and some of the other programs, people are more comfortable coming in

MR. BURCH: I think --

SENATOR SCOTT: -- coming into the school.

MR. BURCH: Our town-and-gown relationship, as you would call it --

SENATOR SCOTT: Right.

MR. BURCH: -- is pretty good. I think there have been challenges in the past, but we have been very intentional about establishing a relationship with the surrounding community and being very open with communication and, and talking out and working through, so I think that's helped as well.

SENATOR SCOTT: Right.

MR. BURCH: Yes, sir.

SENATOR SCOTT: Okay. Thank you so much.

MR. BURCH: Yes, sir. Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

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REPRESENTATIVE CLARY: Thank you, Mr. Chairman. You mentioned something that's very important to me when you talk about the town-gown relationship with a community. And you said that it's pretty good. Is that similar to that commercial where the doctor is -- he's okay?

MR. BURCH: We have -- the College of Charleston is in the middle of downtown Charleston on the peninsula, which is -- there's, there's always contention, no between the school and the city, but -- for space, parking, housing. So with those constraints, I think we, we do a, a very good job. Our board chairman is, is local to the area and does a phenomenal job. Our new president is out and about, meeting with civic groups and -- so I don't think it's perfect, but it's pretty good. And I think it's improved over the last several years.

REPRESENTATIVE CLARY: Well, I think that it's very important for colleges like College of Charleston, Clemson, where I live, to have a good relationship with the community because that's -- that can be one of the biggest stumbling blocks to that area if it's not the case.

Let me ask you, you talk about College of Charleston's biggest weakness is the ability to compete financially with larger universities. And, you know, that's a little -- it causes me to pause because I don't know that you necessarily have to compete with the larger universities because I think you have a mission that is very good, very solid, very unique.

MR. BURCH: That's right.

REPRESENTATIVE CLARY: So -- and I think you're also limited by -
- certainly by the number of students that you can have.

MR. BURCH: Sure.

REPRESENTATIVE CLARY: How about explaining your answer in a little deeper --

MR. BURCH: I think "compete" more from a financial aid perspective. If, if we can't compete on a -- with abatement dollars for students and the -- and the cost of living, the whole cost to educate for four years, you know, I think that's more of what I was referring to, other than our program.

REPRESENTATIVE CLARY: You have said a magic word there when you mentioned the word "abatement."

MR. BURCH: Yes, sir.

REPRESENTATIVE CLARY: Because that's one that's kicked around here a lot. Tell me about abatements at the College of Charleston and what kind of percentage of abatements do you have?

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MR. BURCH: I think we have about 53 percent of our students on some sort of abatement or financial aid. It's a good tool that we're just starting to try to catch up on. And I know that our admissions office is tweaking the dials to, you know, how much do we offer? What are we trying to project? Enrollment; you know, if we offer it, will they come? It's a very important issue that, that is --

REPRESENTATIVE CLARY: Yeah. The thing about -- when I think of an abatement, you're -- it's a little bit different from the financial aid portion of --

MR. BURCH: Yes, sir.

REPRESENTATIVE CLARY: You know, we're talking about giving out-of-state students something in return for them coming here, those high-performing students, that type of thing. So are you merely talking about financial aid, or are you talking -- by lumping abatements in with that? I mean, I --

MR. BURCH: I was talking -- and --

REPRESENTATIVE CLARY: I'm interested in the amount of abatements, the percentage of abatements that you're giving because that's something that's a bone of contention with the larger universities that you're talking about that, you know, quite frankly, I think that gets a little out of control sometimes.

MR. BURCH: Yes, sir. I was referencing financial aid and scholarships and abatements, not necessarily student loan debt.

REPRESENTATIVE CLARY: And you've been, as Senator Scott alluded to, the -- you're such a long-serving trustee. Tell me what has been your greatest challenge since you've been on the board.

MR. BURCH: Coming from a business environment and trying to learn the lay of the land and be patient with the changes that are coming that we've -- are working on with our budgeting has probably been my biggest challenge. I want to jump in and do everything I can to make a difference, but I would say that and, you know, our processes that are -- quite frankly, that we're looking to change. So just patience is probably the biggest.

REPRESENTATIVE CLARY: Well, if that has been an issue there, then I would encourage you to not run for the General Assembly. Mr. Chairman.

CHAIRMAN SENATOR PEELER: Anyone else?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Favorable. Second?

(Motion is seconded.)

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CHAIRMAN SENATOR PEELER: Seconded. Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

MR. BURCH: Thank you.

CHAIRMAN SENATOR PEELER: Next is the 6th Congressional District, Seat 12. Under Tab M, Randy Adkins from North Charleston.

Good afternoon, sir.

MR. ADKINS: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. ADKINS: Randy Edward Adkins, Jr.

CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. ADKINS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. ADKINS: Sure. I'm here. I want to thank the Chairman and committee for allowing me to be here and serve as -- wanting to be a trustee of the College of Charleston board.

I earned my bachelor's degree in computer science back in 1998; master's degree from the College of Charleston in 2004. My education in critical thinking and problem-solving skills that I've obtained from the College of Charleston has allowed me great success in both my career and in my life.

I also met my wife of 22 years at the College of Charleston and express my love through service at the college currently. I'm on the board of alumni -- board of directors at the alumni association, as well as the Cougar Club board of directors.

I'm committed to serving the college, and as reflected -- it is reflected in my volunteerism and board service at the college. This experience, along with my professional experience, has prepared me to serve on the college and as a trustee.

CHAIRMAN SENATOR PEELER: Thank you, sir.

Questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you for your willingness to serve. And I'm glad to see there's someone from the Charleston area. And you were living in Charleston at the time you went to the college of Charleston.

What's been -- in your conversation with others in the area, what's been the biggest drawback for the university not being able to recruit

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more kids out of the Charleston area who would not have the housing problem, the transportation problem? Because they could commute daily to the campus but for some reason, it's been more difficult to get those kids to go to College of Charleston. What's been the real problem?

MR. ADKINS: I think one of the --

SENATOR SCOTT: As you see it?

MR. ADKINS: One of the issues that come up with those who are native is that sometimes, the perspective of the college and maybe that they're just wanting to do something different than be in Charleston.

Additionally, just being able to know about what the college offers. And as an alumni, it's been helpful to share that with different groups in the area of, you know, Here is what the college offers, and it is a good thing to be able to come and not have to go somewhere else and pay for housing and do all of those things when you can still be at home and get that type of education. And so I've been able to share that as I've been going throughout and talking to others.

SENATOR SCOTT: So have you seen the college itself try to do some focus groups within the community and the high schools in its outreach? Because you've got a lot of kids in that area.

MR. ADKINS: Yes.

SENATOR SCOTT: The kids are doing quite well, and if not, there's a program that maybe they need to look at as a recruiting tool to get these kids to stop and look at the College of Charleston.

MR. ADKINS: Yes. Renard Harris and the Office of Institutional Diversity have been doing some programs to reach out to the minorities and those that are in the area. And some of those programs do reach back to the high schools, which help provide that type of additional education and information about the college so that those that are -- would be interested can understand the true value of that education. So those programs help.

I have also participated in some of the mentoring programs that help once students get into the college. There's a transition that has to occur for many of those students as well.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you. Anyone else?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Mr. Clary.

REPRESENTATIVE CLARY: Mr. Adkins, thank you very much for offering to serve. One thing that piqued my interest, ways to improve the college: increasing retention. What's the retention rate at the college now?

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MR. ADKINS: Let's see here. I believe the retention rate is -- I had it down. Sorry, I have it on my paper here.

REPRESENTATIVE CLARY: Well --

UNIDENTIFIED SPEAKER: I think it's 67 percent.

REPRESENTATIVE CLARY: Is it -- is it --

MR. ADKINS: I think it's 81 -- 81 percent, I believe, is the number I have.

REPRESENTATIVE CLARY: Is it --

SENATOR SCOTT: It's not here as 81 percent.

REPRESENTATIVE CLARY: And in so far as retention is concerned, is that because people are transferring elsewhere, just completely dropping out of school? Do you know the reason for that? Because, I mean, 81 percent is -- could be better, but, you know, when I look at a lot of other schools, that's --

MR. ADKINS: Pretty, pretty on par.

REPRESENTATIVE CLARY: As one of your -- one of the other candidates said, it's pretty good.

MR. ADKINS: Yeah.

REPRESENTATIVE CLARY: So, you know, that's something that -- what would you do to improve that?

MR. ADKINS: I think it's just making sure that students have what they need. You know, I think it goes back to understanding, is it educational? Is it something that is in -- that the institution can provide to make sure that those particular students are there?

But, yeah, 81 percent of the freshmen that are coming in, they're staying, which is good. However, I believe you can always improve in what you're doing and being able to provide those particular freshmen -- maybe there's additional support that those students can have to be able to stay.

REPRESENTATIVE CLARY: And you say the biggest weakness is the perception that the value of the school is beaches, nightlife rather than education?

MR. ADKINS: Yeah. I think that's a big perception that the college still has to overcome, that, you know, the education is you're getting there is paramount. But you can still have the fun; no problem with that. But we're getting the education, and I believe if we tie our education to potentially what types of jobs you're getting, and many of our alums are out there with very fantastic jobs and doing very fantastic things in this world. And I think if we provide that type of value, that gives everyone a good tie-over in a relationship.

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REPRESENTATIVE CLARY: Well, I think to be around 250 years and to have the reputation that the College of Charleston does, I think that there are a lot of very good things that go on there, and I think that if that is an issue, then it would be, you know, branding, marketing to promote those things that are going on that are so good at the College of Charleston.

MR. ADKINS: Yes, sir.

REPRESENTATIVE CLARY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Anyone else? Desire of the committee?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Favorable. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Discussion? Hearing none, all in favor, raise your right hand. Unanimous. Thank you, sir.

MR. ADKINS: Thank you.

CHAIRMAN SENATOR PEELER: Next, same seat, seat 12, Tab N, Ricci Welch from Manning.

MS. WELCH: Thank you.

CHAIRMAN SENATOR PEELER: Good afternoon.

MS. WELCH: Afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. WELCH: Okay, thank you. I -- my full name is Frances Ricci Land Welch. I typically go by Ricci Land Welch. I dropped the Frances, but my SLED report may refer to Frances, so.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. WELCH: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. WELCH: I would love to, thank you. I have been on the College of Charleston board since 2013. I took the seat after my mother, Marie Land, retired from that seat. I went to the College of Charleston in 1988. That was before we had iPhones and Find My Phone and track your child in college. And so my mother went with me to college. She started on the board as soon as I was a freshman at the College of Charleston.

I look back on transcripts from 2013 when I first applied to fill this position, and I kind of giggled because I had no idea what I was getting into. I had served on the Lander board for eight years, but as you get into

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colleges that have higher student population and in a city, you have a little different set of problems. So I have been on the board since 2013.

We have had our ups and downs. Representative Whitaker discussed that book; that was a down. That was a difficult time for us to represent the college. But we have had wonderful things happen.

We just had what I believe was the perfect presidential search. We had over 30 listening sessions with almost 800 participants come to those sessions to let us know what we were doing wrong, what we were doing right, where they thought the college should lead in the future, and who they thought or what type of person should lead the university. And I'm very excited about Dr. Hsu.

We have just started a strategic planning session. We are meeting at the end of March to try to decide where we're headed in the future because as you know, if you don't say where you're going, you're going to end up in all kind of places you never meant to.

I am an attorney. I practice law in Manning. I am the rural voice on the board. As my children used to say, I come from a town with no Chick-fil-A. And so I have a different perspective than some of the other board members as far as the struggles that students have.

But I'm real excited about the College of Charleston. We were here a few weeks ago. We felt like we had a great response from the Legislature and that we were headed in the right direction. So I look forward to serving again if that's the will.

CHAIRMAN SENATOR PEELER: Thank you very much.

Questions, comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Mr. Scott?

SENATOR SCOTT: Thank you for your willingness to serve.

MS. WELCH: You're welcome.

SENATOR SCOTT: Tell me a little bit about your recruitment with kids coming out of rural communities.

MS. WELCH: Okay. Thank you, Senator Scott. So the Cougar Advantage; that's that 10 percent program --

SENATOR SCOTT: Right.

MS. WELCH: -- that the other board members were referencing. That program is an automatic program to allow people who are in the top 10 percent of their class to come to the College of Charleston. We have seen a bump in our African-American enrollment due to that. We were up to 8 percent for three years in a row. Our minority population right now is almost 20 percent.

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This program is helping. This particular year, our applications and admissions are using the Common App, which is a little bit easier application for students to use. Our African-American applications are up 43 percent due to that.

This year, we are allotting an additional \$600,000 dollars. So if you're in that 10 percent program, we will meet the Pell Grant and the Life Scholarship so that tuition is free.

SENATOR SCOTT: Is this a -- is this your -- is this a committee you sit on? You know more about it. Others have been telling me 8 percent, 8 percent. You're telling me you got 20 percent, so please, tell me more.

MS. WELCH: All minorities is 20 percent.

SENATOR SCOTT: Give me more.

MS. WELCH: Yeah, it's 20 percent. But our African-American population has run from 6 to 7 to 8, three years of 8, and then now we're down at 7.4 percent from the 8 percent.

SENATOR SCOTT: So your recruiting was at 20, but your actual sustainment was at 7 or 8.

MS. WELCH: The -- just total minorities. That would include Asian, any type of minority.

SENATOR SCOTT: Oh, so it's all minorities.

MS. WELCH: Some of the board members mentioned it. It's one thing to recruit diversity.

SENATOR SCOTT: Right.

MS. WELCH: When those kids get to our college, they need to feel included. They need to feel special. They need to feel like they're one of everybody. And we're working very hard to do that.

There are little programs that I think are really neat that have just been started. Conversation and Cuts is an African-American barber shop that Renard Harris and Kenyatta Grimage have started. Kids go in there, African-American males go in there, and they talk about what -- the struggles they're having.

There's another program called Crossing the Cistern, which is totally focused on having minorities graduate. One thing to get them in the door; we want them to graduate.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much Ms. Welch, for your service. I'm interested in the functioning of the College of Charleston board. Over the last few sessions, I've talked to a number of

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candidates and also looked at a lot of minutes from the boards of trustees in trying to determine whether or not a board is actually working and discussing and differing on issues so that a good result comes out in policy. The board that you sit on at the College of Charleston, how would you view it in so far as the interaction between the board members, the chairman, and the administration?

MS. WELCH: Okay, thank you. We actually just changed structures of our committees so that when we actually meet for Thursday committee meetings, the entire board sits in on every committee meeting.

Prior to, everyone separated for the day. I had very little knowledge of what was happening, say, in I.T. They've never put me on the I.T. committee. Now, we sit on committees, we've merged committees, and we're there together the whole day. So we are leaving time for us to be a visionary board, a board that sets the missions for the institution, and that has gone real well.

We started that in August, so we've had an August, October, I think, and January meeting with that. That has allowed us to discuss vision and not get bogged by saying, these people are at the meeting; it started at 2:48. Those are things that aren't really helping us. We need to look for the future and help Dr. Hsu, give him the tools of what he needs.

REPRESENTATIVE CLARY: So by having these meetings that bring the board together, do you feel that you're able to learn more about the college and the various components of it, rather than relying on the committee members that would be on a particular committee to inform you through their report?

MS. WELCH: That's, that's true. Listening to it and just having a global and holistic view and knowledge of the college is helpful.

REPRESENTATIVE CLARY: You say that you -- you'd like to increase enrollment at the College of Charleston. Given the location, just the sheer limit in space that you would have, how do you propose to do that?

MS. WELCH: We probably don't have that much room, other than for about 500 or 600 hundred more freshmen. Then, we might have some housing issues, which we've had before, and that's a nice problem for a college to have. We can triple bunk students and enjoy the popularity of the school. But you're right about us being landlocked and having housing issues. We want to grow popularity of the school so we get the best-qualified students, and we want to keep and retain those students.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Verdin.

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SENATOR VERDIN: Are y'all still operating secondarily or remotely up --

MS. WELCH: North Charleston?

SENATOR VERDIN: -- North Charleston?

MS. WELCH: Yes, sir.

SENATOR VERDIN: What are you doing up there?

MS. WELCH: That is graduate programs in the business development program. Godfrey Gibbison is in charge of that. Those are mostly, I believe, nighttime classes. And it's a great location for people in the Dorchester-Berkeley County-North Charleston areas.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Vice chairman Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

My son and daughter both graduated from the college, and they received an excellent education. But I agree with Representative Clary. I never could find a parking place down there.

MS. WELCH: At -- one of the listening sessions that I attended happened to be the graduate student, and it is a problem. If you don't live downtown and you're using the parking garages and spaces, it is a difficulty. And I'm just not sure how we fix that. That may be one that we have difficulty fixing.

REPRESENTATIVE WHITMIRE: Well, my son found a way. He parked in the city things, and I got about \$300 worth of parking tickets. So anyway, I do agree. That's -- you know, I don't see how you can really grow because you just don't have any room down there. It's a nice, you know, problem to have because it's such a beautiful city, but you're stuck. You really are, so anyway. Thank you for your service.

MS. WELCH: Thank you.

CHAIRMAN SENATOR PEELER: Desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Second. Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you so much.

MS. WELCH: Thank you.

CHAIRMAN SENATOR PEELER: We now move to the 7th Congressional District, Seat 14, Penny Rosner from Myrtle Beach.

MS. ROSNER: How are you?

CHAIRMAN SENATOR PEELER: Good afternoon, ma'am. For the record, if you would, give us your full name.

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MS. ROSNER: My full name is Penelope Smoak Rosner. I go by Penny.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. ROSNER: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. ROSNER: I would, thank you. First of all, thank you so much for being here. Thank you for listening to us. I know how much hard work you put into this, and thank you all so much for the support that you've given to the college.

My passion is education. I've taught in higher ed for over 22 years as an English instructor and lecturer. I retired in 2014 to pursue other things; however, I didn't retire my interest in education, particularly educating South Carolina students and all South Carolina students.

It has been a great joy, and I feel blessed to have had the last four years -- or, I guess, three and a half years serving for the college. And it's been an honor, and if you're willing, I would love to continue, have another term. Thank you.

CHAIRMAN SENATOR PEELER: Thank you. Questions?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Ms. Rosner, for your service. And you're winding up your first term on the board of trustees. Can you tell me what kind of orientation, training you had when you were elected and how you've applied that and what you've done to further improve yourself as a member of the board?

MS. ROSNER: Thank you. That's a great question. We have a very extensive orientation program. It goes on for at least two days. We have a mentor who is on the board who helps us. I felt like my transition into would be pretty easy, but I had quite an eye-opening experience. It's very complicated, very complex, and much different than being in the classroom.

I've had great support. I cannot say enough about my fellow trustees. They -- we listen to one another. Everything is very clearly explained. We all have a voice at the table. And I've served in -- well, when I first became a trustee, it was about six months in, and because I had higher ed teaching experience, then-president McConnell had me go to the SACSCOC conference. So I spent about four days there. And so I had my, I guess, my baptism going in front of the SACSCOC board for the college. And we did pass with flying colors.

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REPRESENTATIVE CLARY: What, what has been -- what do you think is your greatest success in serving as a member of the board?

MS. ROSNER: I think my greatest success has been the relationships that I have built with faculty, with staff, the president's office. I think that we are a very inclusive board, and I think that that's who I am. I'm a very inclusive person. I listen, and sometimes when different groups can under -- just understand one another, whether it's faculty, staff, the board, they then realize that we're all here for the same cause. That -- I think that's my greatest strength. Now, do you want particulars that I've done?

REPRESENTATIVE CLARY: No, I think that that's helpful to me. When you -- when you talk about these various constituencies -- faculty, staff, and so forth -- I mean, they all have their niche --

MS. ROSNER: Oh, yes.

REPRESENTATIVE CLARY: -- and their turf that they're trying to protect. How do you go about balancing that?

MS. ROSNER: Very carefully. I think that the most important part -- and I think this was seen when we elected our president, President Hsu -- that we had listening sessions, we had surveys, we were so transparent, and I think that is the most important part of being a trustee.

We also need to be very approachable, not people in an ivory tower. And I think we are. I know we are very approachable.

REPRESENTATIVE CLARY: You talk about the strengths and weaknesses of the college, and strength being teaching and the value of that liberal arts education. And I don't disagree with that. You talk about the biggest weakness being the historical buildings. I understand where you're coming from -- with that being a weakness, but that's also a strength --

MS. ROSNER: I think it is.

REPRESENTATIVE CLARY: -- of being located in Charleston in particular. So how do you work around that because, you know, those buildings, you've got to -- you've got to take care of those and make sure that they're functional and meeting the needs of your constituency. And I'm sure that's pretty expensive proposition, isn't it?

MS. ROSNER: It's very expensive, and I have served on the I.T. committee, and it was very eye-opening to me. This is one area coming -- I taught 19 years at Coastal Carolina University. The building were new. So they were wired for I.T. I had everything. And then, as I'm sitting in the I.T. meetings in 2016, I was shocked that we were -- we were -- the struggles. I never thought about it.

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They're old buildings. Where are you going to put the wiring? Where are you -- keeping them up? We can't do anything without the Preservation Society and Board of Architectural Review giving us approval. So I think that we have -- I know we have a very good relationship with the city, and we just have to make it work.

REPRESENTATIVE CLARY: Thank you, ma'am.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Boy, this is not, probably, the time or the place.

MS. ROSNER: Uh-oh.

SENATOR VERDIN: For the committee, but I'm going to go back to Representative Clary's same question. Twenty years from now --

MS. ROSNER: Okay.

SENATOR VERDIN: Sorry if it's unfair to ask you this, but you put it in your responses as the biggest weakness.

MS. ROSNER: Okay.

SENATOR VERDIN: Will that weakness be more amplified 20 years from now? I'm actually thinking, who should own those buildings 20 years from now? What would be their greatest and best use to the state 20 years -- even 10 years from now, 30 years from now?

MS. ROSNER: I --

SENATOR VERDIN: One thing for sure, I don't want to see them fall down.

MS. ROSNER: Absolutely.

SENATOR VERDIN: And I don't know that they, 30 years from now, will be any greater a contributing presence to your core function. It's just something that every -- somebody needs to be thinking about.

MS. ROSNER: I agree, and I will tell you that we have -- for example, housing. We have -- there are outside companies who are -- come into Charleston. They've built apartment buildings so that we don't have so much -- I mean, we are stressed as much as we can be, but the students, once they leave campus, usually as freshmen, they want an apartment, so there are places they can go that are privately owned, just as they have here in Columbia.

I think that there will be a struggle. We've struggled with those buildings probably for 250 years, as we know. Of course, with technology increasing, maybe there will be an easier way for us to do it.

SENATOR VERDIN: It's not just the college. We all have -- I have a 173-year-old courthouse that is falling down that -- who wants to pay for it? No one wants to lose it.

MS. ROSNER: Right.

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SENATOR VERDIN: But who wants to pay the exorbitant sums necessary to maintain it?

MS. ROSNER: I do own an old house in downtown Charleston. It was built in the 1850s. I've had to -- I have a newer, much newer home in Myrtle Beach, which is my primary residence, and we -- I have to struggle with the fact that that paint is always chipping. I always have a board that needs replacing. But you have to stay on top of it constantly. If you don't, then it becomes too much, and we can't afford it.

SENATOR VERDIN: Well, I'm not going to apologize for using this Screening Committee to address it because I think you were right to point it out.

MS. ROSNER: Thank you.

SENATOR VERDIN: And not just this committee, but many people are going to have to work collaboratively in the public sector to address this question. Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. President, and good afternoon.

In your responses, I was just interested -- when you ran originally for this, it says -- and, of course, you mentioned, too, that you've worked in higher education. You've retired. It says you thought that that experience would be beneficial to the board.

So three and half years on that -- and I know you've mentioned some of the successes -- what has -- has that been beneficial to the board, and what would that greatest benefit to the board be?

MS. ROSNER: I believe so. I am on the academic committee. Currently, I'm vice chair of the academic committee. Trustee Welch is the chair. And I do believe it helps. One, I had less of a learning curve than others because I did understand such things as faculty senate, the order of how things are done. It's a process that we must go through in order to bring in a new major, to -- for whatever.

I also feel that faculty are very comfortable with me, having been in the classroom.

SENATOR ALEXANDER: And I guess that -- on the other side of that, having been in higher education as an English instructor, what was the biggest surprise being on the other side as a board member?

MS. ROSNER: How long it takes to get things done. Anything that you want -- it's government, very similar. Anything that you want has to go in front of the faculty senate. It's a process, and I didn't realize it. When

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teaching, we just would get a memo that this was happening, and we would go with it. I didn't realize all that went on behind it.

SENATOR ALEXANDER: Mr. Chairman, if I could, one more question.

CHAIRMAN SENATOR PEELER: Certainly.

SENATOR ALEXANDER: And also, I just thought it was interesting on number 8, talking about -- question about student representative and faculty representative on the board, and you mentioned that. But your last sentence that we were talking about, how difficult it would be to teach and attend regular and special board meetings if, I guess, if a member of the faculty was on the board. So your perspective, having been in higher education --

MS. ROSNER: Yes, sir.

SENATOR ALEXANDER: -- you feel like that opportunity is being addressed as the current makeup?

MS. ROSNER: I -- we have a representative on the board. We are very open. Our president is very much into transparency. I know that faculty, besides their teaching loads, they're trying to do research, and they have their own meetings to go to, office hours, and we have a lot of meetings. And, you know, a special meeting for something or, you know, that we -- that we have to be involved in.

To really be a successful member of the board, you have to be either on conference call or preferably in the room, and I think it would be a challenge.

SENATOR ALEXANDER: Thank you.

Thank you, Mr. President.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE WHITMIRE: Favorable.

CHAIRMAN SENATOR PEELER: Motion is favorable.

REPRESENTATIVE CLARY: Second

CHAIRMAN SENATOR PEELER: Seconded. Discussion? Hearing none, we'll take it to the vote. All in favor, raise your right hand. Unanimous.

Thank you so very much.

MS. ROSNER: Thank you so much.

CHAIRMAN SENATOR PEELER: Next, At-Large, District 16, Tab P, David Hay from Charleston.

MR. HAY: Good afternoon.

CHAIRMAN SENATOR PEELER: Good afternoon, sir. For the record, if you would, give us your full name.

MR. HAY: David Michael Hay.

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CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. HAY: I do. I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. HAY: Yes. I am here today, having started at the College of Charleston as a transfer from Presbyterian College back in 1978 where the tide didn't come in in Clinton, and I was ready to get back home where the tide comes in and out every day. And I have served the college in a variety of roles: on the alumni board, alumni president; foundation board, foundation vice president. And I'm honored today to serve as board chair.

It is a board -- I serve a board that is very intelligent and talented, with a sense of humor but a commitment to serve our alma mater and serve our state. I would describe my leadership style as a happy delegator, recognizing that there's so much talent on our board. We had our very successful search that was chaired by Renee Romberger. We had the board restructuring of our committees, which was led by Demetria Clemons.

All of these people and so many on the board have so many talents, and those are just two examples of allowing people to flourish and serve. And that's my style, and I'm honored to be here, humbled to be here.

CHAIRMAN SENATOR PEELER: That sounds like my style.

Questions, comments from members?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good afternoon, Mr. Hay, and thank you for being here. Thank you for your service. In some of your responses, I'm a little bit puzzled. You -- when asked why continue to serve, you were encouraged to run one last time. Tell me about that thought process.

MR. HAY: Sure. I really have -- this is completing my second term, and I felt like that was enough time. As I said, I've served in a lot of roles at the college. But -- I think turnover is healthy. But President McConnell and Interim President Osborne, as well as former board chairs Marlowe and Padgett -- both encouraged me to run one more time.

Their logic was, it's not fair and maybe not as effective to bring in a new president and not have continuity of leadership on the board. And that, that was the justification and the persuasion for me to run again.

REPRESENTATIVE CLARY: And then, you talk about the student body shrinking, tenuous financial situation. How about explaining that to me because I'm a little concerned about that.

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MR. HAY: Sure. We are too. A number of trustees have mentioned the slow pace of change or actions at the college, and one of the things that we have begun to do is identify trends that our future customers, future students, are interested in, identifying those and then building our programs around those.

An example of that would be computer science in Charleston and at the College of Charleston. Ten years ago there were 17 technology companies in Charleston. Now, there are over 270 in a 10-year period. And the Chamber of Commerce did a study and said, Y'all, Charleston area needs more computer science graduates, and we have built our program to answer those needs. As our region changes, we, as a board, are supporting the administration in looking at other areas to answer the changing interests of our future students.

Another example of that would be engineering systems -- systems engineering, which was -- will be our new program. Our applications for that -- we have over 400 applications for 15 spots. Another interesting fact of that is, students of color represent 40 percent of those applicants, and females represent 26 percent of the applicants for that first cohort. So those are areas where we are identifying needs and adapting and making offerings.

Additionally, the transition to the Common App has increased our applications over 30 percent for this year. And that should be able to deliver one of our largest classes in the last 10 years and also one of the more talented classes that we'll have. Coupled with the diversity improvements that we're seeing, the ship is turning, a degree at a time, but it's -- we're answering the call of the community, and we are answering the need to grow our student body.

REPRESENTATIVE CLARY: Just a couple of more questions. Ways to improve the school: refurbish campus facilities. Tell me what you have in mind for that and also segue, then, into what your strategic planning is for the future.

MR. HAY: Strategic planning should be completed in the next month, and that is something that -- honestly, our old strategic plan was written, and it rested well on the shelf. We didn't review it, and we didn't act on it.

REPRESENTATIVE CLARY: When was that done?

MR. HAY: That was done in 2000 and -- ten years ago -- 2009. And that was done under President Benson, President McConnell. We didn't do a strategic plan. President Hsu has that strategic plan. We jokingly told him that if he were offered the job, we needed a strategic plan by Tuesday. And he heard us and has made that one of the top priorities.

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In terms of need for facilities improvements, there are never-ending projects on our campus that are a problem. We have historic buildings, one, in particular, right in the center of campus that we've had to close until we could get funding to renovate it. We have -- we have closed the swimming pool, for example, and discontinued our swimming and diving program because the pool maintenance was -- we couldn't support it.

That sounds very dire, but I'm very optimistic. We have hired a new VP of facilities who is a real professional. I know that it was something that was incredibly frustrating for so many of us to walk across campus and see steam leaking out of manholes.

There was a water line this big running out from one of our facilities, and we could not close those facilities to do the maintenance that needed to be done. and our new vice president, John Morris, was able to do those things. There's no more steam on the campus. That massive water leak has been cured. And so we've got a real professional to help us, and I'm very optimistic about going forward.

REPRESENTATIVE CLARY: So when you talk about shrinking student body and issues that you discuss, those -- we all know that the population that you're going to be serving in the decades ahead is shrinking. So the challenge for the college and every other institution in this state is to figure out how to focus to attract those students, and it's going to be quite a competitive game.

MR. HAY: Yes, sir. I agree.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Hay --

MR. HAY: Sure.

SENATOR SCOTT: -- for your willingness to serve. How many members are on that board?

MR. HAY: Twenty.

SENATOR SCOTT: How many African Americans are on that board?

MR. HAY: One.

SENATOR SCOTT: That was quick.

MR. HAY: It's reality.

SENATOR SCOTT: Yeah. Do you think that -- do you think that reality check might be one of the reasons why it's taken the college to move in an area of being a very diverse school, because of the makeup of where people actually come from?

MR. HAY: Well, you know, I don't know how -- I serve --

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SENATOR SCOTT: I understand.

MR. HAY: -- as trustee, and I was encouraged to run --

SENATOR SCOTT: Where does most of the -- where does most of the trustees actually come from?

MR. HAY: Well, it's from around the state.

SENATOR SCOTT: You've got seven congressional --

MR. HAY: Correct.

SENATOR SCOTT: -- but you've got 13 other at-large slots. So that --

MR. HAY: No, sir. There are just two at-large slots. Two governor's --

SENATOR SCOTT: What?

MR. HAY: Two governor's-appointed positions, one alumni, and two At-Large.

SENATOR SCOTT: Okay.

MR. HAY: And I represent --

MS. CASTO: There's two from each Congressional --

SENATOR SCOTT: Two from each Congressional?

MS. CASTO: Yes, sir.

SENATOR SCOTT: Okay. Okay. Do you think reshaping that board or making it smaller could help? No, let's just thought-process it. How big -- how tough is it to manage a board that big?

MR. HAY: It seems like I'm in quicksand here.

SENATOR SCOTT: No, you are. I'm trying to let you -- not let you go under. But, I mean, a board that size --

MR. HAY: Yes, sir.

SENATOR SCOTT: -- and the difficulties of trying to really get some diversity and also trying to have diversity in staff and faculty, and people who come to your school to work and to learn, look at -- and especially these young folk. They really do a lot of research now. You have a board that big -- and you're not the only one that's like that. There's another board, I think we've got a bill, actually, to make some changes on that board. But have y'all looked at that to see what the real impact has been?

MR. HAY: I --

SENATOR SCOTT: Has there been any discussion of that?

MR. HAY: From within? No, sir.

SENATOR SCOTT: From the board? From the board?

MR. HAY: No, sir. We -- I am finishing up my fourth year. You're allowed three two-year terms as board chair.

SENATOR SCOTT: Right.

MR. HAY: I'm finishing up that term. I actually like the size of the board that we have. This might be a dangerous statement --

SENATOR SCOTT: No, no, I understand.

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MR. HAY: -- but I like the size of the board because it, it brings diversity of -- geographic diversity. In our case, racial diversity -- Demetria Clemons is our vice chair. Every meeting that I attend with President Hsu, I always invite Demetria to attend with me so that she -- because I value her.

SENATOR SCOTT: I understand.

MR. HAY: Not because she's black, not because she's a female, but because she is a trusted advisor to me.

SENATOR SCOTT: Right.

MR. HAY: And very, very helpful in guiding the direction of our board. But, but we have folks from all over the state, and I think that is very helpful.

SENATOR SCOTT: I'm just thinking about all over the state, a state with 29, 30 percent African Americans, and then you've got other minorities in it and have one out of 20, and that's -- to me, that's not very much of a diverse board.

MR. HAY: I understand.

SENATOR SCOTT: And right, they bring, and they bring different ideas and different cultures and come from different communities. But our community is a lot diverse than that. And looking at how we, even those who maybe of a different persuasion, your thought pattern on how they can help to bring some of those individuals to your school because we see that's really not working very well. It's working, but not very well.

And what we can actually do, even in our own backyard -- Charleston, Berkeley, Dorchester -- even to be able to recruit even more students coming out of that particular area. I'm not asking you or your board --

MR. HAY: Sure.

SENATOR SCOTT: I'm just putting some ideas out there.

MR. HAY: Well, you know, we -- I value diversity. I've been through Safe Zone training twice, and the majority of our board have been through Safe Zone training, which is understanding LGBT issues.

SENATOR SCOTT: Right.

MR. HAY: And recognizing that that's an important part of our campus community, both faculty, staff, and students, as well as our community at large. Our search committee, which I appointed, was led by a female. There were -- help me, Renee -- three females and one African American and two males on our search committee, and that was a decision that I made, recognizing the talents that are on the board. Again, I --

SENATOR SCOTT: Oh, you have some very talented people, very intelligent folk who answer the questions very well, and I know they're doing a lot of good work out there in the community. But I still question,

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how do we make these boards -- not just College of Charleston, because I'm not picking on one board.

That's a question I asked most of them when I come through, unless your numbers are pretty large. How do we improve that? What are the things that are standing in our way that won't let us have a more community is my concern. And I'm not telling you who need to go, who need to come. Our job is to look at them, screen them, but also my job is to ask questions.

MR. HAY: Sure.

SENATOR SCOTT: How do we also make these schools better?

MR. HAY: Well, my final comment on that would be, in having served on the volunteer boards --

SENATOR SCOTT: Right.

MR. HAY: -- both the alumni association board and the foundation board, our president-elect on the alumni association board is an African-American male. There's very good diversity on the alumni board. In fact, I served with candidate Adkins' wife, Sherlonda, on the alumni board many years ago and suggested to both of them that they run for the board of trustees seat. So that's, that's what I can do --

SENATOR SCOTT: Right.

MR. HAY: -- as one individual, as a volunteer, to try and encourage that.

SENATOR SCOTT: I appreciate that. Thank you.

MR. HAY: And again, I didn't recommend them because they're African Americans. I recommended them because they're good, solid people.

SENATOR SCOTT: Well, there's a lot of -- there's a lot of talented folk, but it's also opportunity --

MR. HAY: Yes, sir.

SENATOR SCOTT: -- to be able to actually participate. Thank you so much.

MR. HAY: Yes, sir. My pleasure.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: One brief question.

Good afternoon. You mentioned in here, recent years, and it's been brought up earlier about the -- trying to renew your growth in students. Talked about the quality of the board, outstanding individuals. Do you engage the board members? You've got seven congressional districts. You've got two board members. Do y'all engage the board in trying to do recruitment back in their districts where they're from?

MR. HAY: In fact, we -- last week, we had a reception for the high school counselors, and then we had an accepted students reception after that in

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Columbia. President Hsu, along with a number of the senior leadership team, as well as number of trustees, were there. And then recently, there was a yield party in Greenville which was attended by a number of trustees as well. So those are just examples of that.

SENATOR ALEXANDER: Thank you.

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you, sir.

MR. HAY: Thank you.

FRANCIS MARION UNIVERSITY

CHAIRMAN SENATOR PEELER: I'll let Ms. Davis be recorded.

All right. Francis Marion University, the 2nd Congressional District, Seat 2, Benjamin Duncan from Columbia.

Good afternoon, sir.

MR. DUNCAN: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, give us your full name.

MR. DUNCAN: Benjamin I. Duncan II.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. DUNCAN: I do, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. DUNCAN: My brief statement is I've served on the board of trustees at Francis Marion University almost four years now.

I have family in the Pee Dee area. I grew up in Sumter, but -- which is close to the Pee Dee. Some include it in the Pee Dee. I have family in Bennettsville, South Carolina, which is directly in the Pee Dee, and I understand the economic problems that are in the Pee Dee and most of the Pee Dee, and I feel that Francis Marion University is a benefit to that area, where 55 percent of the students there are from the Pee Dee area. Ninety-six percent of the students are from South Carolina. So Francis Marion University has been of great benefit to that area and to the state of South Carolina.

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I also am the director of the South Carolina Disaster Recovery Office, and I understand the problems in the Pee Dee area from the multiple disasters that we've had over the last four years. So I see and work with every day the problems that are in the Pee Dee, and I would like to continue to serve.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

REPRESENTATIVE KING: I have a question.

MR. DUNCAN: Yes, sir.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

What is the total number of students, the population, do you know, at the -- at Francis Marion?

MR. DUNCAN: It's about 4,000, sir.

REPRESENTATIVE KING: Do you know what the breakdown is racially?

MR. DUNCAN: It's about 50-50. I think it's 49 and 51, but it's pretty close to 50-50.

REPRESENTATIVE KING: Close to 50-50. And this is -- how many years have you served?

MR. DUNCAN: Almost four years.

REPRESENTATIVE KING: And what are you all doing and what is the -- not what are you doing, but what is the number of, I guess, African Americans in reference to instructors? Do you know what population that is?

MR. DUNCAN: I cannot give you that number today, sir. The number of instructors to students is about 15 to 1.

REPRESENTATIVE KING: Fifteen to one.

MR. DUNCAN: Yes.

REPRESENTATIVE KING: I asked that question because as I represent -- Winthrop is in my district, and I occasionally ask students at the school there at Winthrop how many times they, in their years of matriculation at Winthrop, how many times have they experienced having an African-American professor, and I have not had one student out of probably 30 or 40 that I've asked that has had -- they either had zero to maybe one there in four years. And so I ask that question because of that.

MR. DUNCAN: Yes, sir. I understand.

REPRESENTATIVE KING: But thank you, and you and I share the same birthday, so I know that you're great.

MR. DUNCAN: Not the same year, I'm sure.

REPRESENTATIVE KING: You have me by about 16 years.

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CHAIRMAN SENATOR PEELER: Mr. Clary.

MR. DUNCAN: Keep living.

REPRESENTATIVE CLARY: Thank you very much, Mr. Duncan, for being here.

To be consistent with some of my other questions, can you tell me what kind of training you've received when you were elected to the board of trustees at Francis Marion, and is there any ongoing training?

MR. DUNCAN: Yes, sir. I received at my initial meeting -- or prior to my initial meeting, we had a full day of training there at the university by the university president and other staff members.

REPRESENTATIVE CLARY: And is there any training that is done by the American Association of Colleges and Universities at Francis Marion?

MR. DUNCAN: I have not participated in that. I have been a part of that because I served one year as executive director to the board of trustees at South Carolina State University, and I have been a part of that association and attended those meetings then. But I have not since I've been at the university.

REPRESENTATIVE CLARY: Okay. And insofar as your board is concerned, you have a chairman. Is that chairman elected for a two-year term or a one-year term? How is that handled at Francis Marion?

MR. DUNCAN: Our chairman is elected to, I think, three years. Yes, it's a three-year term.

REPRESENTATIVE CLARY: And I haven't looked at the minutes of Francis Marion, but do you have votes that are unanimous all the time? How exactly do you transact your business?

I apologize for the fact that I haven't looked back. I'll do that before I see our next group tomorrow. But tell me, do you feel like you have the ability and do you speak out? Do you vote against things that you don't believe in, that you don't believe that reflects the constituency that you represent?

MR. DUNCAN: Yes, sir. And we have an opportunity -- we most often -- all of the board members do ask their questions and get their questions answered before a vote is made. I've even asked pretty pointed questions on certain issues, and my thoughts are brought out, and my opinions are brought out, and then we have votes.

REPRESENTATIVE CLARY: And do your votes reflect that, if you disagree with a policy that's being implemented?

MR. DUNCAN: Yes, sir.

REPRESENTATIVE CLARY: All right. And insofar as contact with alumni --

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MR. DUNCAN: Yes, sir.

REPRESENTATIVE CLARY: -- what kind of contact do you have with alumni and students?

MR. DUNCAN: I get questions quite often. Any issues, I take them to either the staff members or directly to the president. I get phone calls on occasions, and we get the answers that those constituents need.

REPRESENTATIVE CLARY: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And thank you for your service --

MR. DUNCAN: Thank you, Mr. Chairman.

SENATOR ALEXANDER: -- all the way around --

MR. DUNCAN: Yes, sir.

SENATOR ALEXANDER: -- so with the state and on Francis Marion.

You -- if I'm reading this correctly under weaknesses and always room for improvement, it says that a limited campus life can be difficult for students to build relationships outside the classroom.

And I guess that -- are there initiatives that you as a board member or that the board has undertaken to recognize that as an issue? How are you trying to solve that issue?

MR. DUNCAN: Over the last year or so -- that was brought out in one of our board meetings, and they have done an excellent job of trying to do more with the students and having more activities for the students on campus.

As a matter of fact, we -- the board members get an e-mail every day talking about the activities that are provided for the students. And so we see a great improvement in that area.

SENATOR ALEXANDER: So what -- do you have an idea of what percentage of your students actually are resident students versus commuting students?

MR. DUNCAN: I don't have that, sir. I could not tell you that right now.

SENATOR ALEXANDER: Thank you.

CHAIRMAN SENATOR PEELER: Questions, comments?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable report.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion? We'll take it to a vote. All in favor, raise your right hand. Thank you. It's unanimous.

MR. DUNCAN: Thank you, Mr. Chairman and members.

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CHAIRMAN SENATOR PEELER: Thank you, sir.

Representative Davis has indicated she would like to be recorded as voting in favor of Mr. Myers for Citadel Board of Visitors.

Next, 3rd Congressional District, Francis Marion University, Tab D, Tracy Freeman, North Augusta.

MS. CASTO: Mr. Chairman, while he's coming forward, there are seven Francis Marion seats that you're screening right now, and they are all incumbents and have no opposition.

CHAIRMAN SENATOR PEELER: Mr. Freeman, for the record, give us your full name.

MR. FREEMAN: Robert Tracy Freeman.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. FREEMAN: So help me God, yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. FREEMAN: Yes, sir, I'd like to.

First of all, good evening, and thank you for having us this evening.

I wanted to say virtually one of the reasons why I want to continue to serve on the board of Francis Marion University -- I've been on the board since 2010. I want to continue the legacy -- not the legacy, but the vision of the forefathers of Francis Marion University when the university first started 50 years ago this year, 1970, and that was to serve the students of the Pee Dee and also serve the students of South Carolina.

And I am very, very involved in the -- within the university and so forth, so I want to just continue giving back, giving other students chances that I had when I was there.

CHAIRMAN SENATOR PEELER: Questions, comments?

SENATOR ALEXANDER: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Of all your work on the board, what have you enjoyed most about being a member of the board, sir?

MR. FREEMAN: One thing that I enjoy about it -- of course, I'm on two subcommittees, and we do a lot of things in subcommittees before our regular boards. But one of the things I definitely enjoy is being the liaison between a lot of students, parents, and the faculty and the governing board of the university. And that means that I love doing -- I love recruiting students to the university.

Two things that I'll talk to you about that I tell a lot of our people, I'll talk to you about all night long, that I'm very passionate about. One of is

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what I do every day. I'm a residential home builder. And the second thing is Francis Marion University.

SENATOR ALEXANDER: Do you by chance know how many you have that are considered resident students there at Francis Marion?

MR. FREEMAN: Yeah, it's approximately 50-50 right now.

SENATOR ALEXANDER: Fifty-fifty on that as well?

MR. FREEMAN: Yes, sir, that's correct.

SENATOR ALEXANDER: It's 50-50 on that. Okay. Thank you.

CHAIRMAN SENATOR PEELER: What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Favorable. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion?

Yes, sir, Senator Verdin.

SENATOR VERDIN: Just a thank you and a salute for your previous military service.

REPRESENTATIVE DAVIS: Yes.

MR. FREEMAN: Thank you, sir.

CHAIRMAN SENATOR PEELER: Take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you.

MR. FREEMAN: Thank you, sir.

Thank you, ladies and gentlemen.

That will bring us to Francis Marion University, 4th Congressional District, Seat 4, Jody Bryson from Greenville. Good afternoon, sir.

MR. BRYSON: Good afternoon. Thank you very much.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. BRYSON: Yes, sir. My full name is Benny J. Bryson Junior. I go by Jody.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BRYSON: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. BRYSON: Yes, sir. Mr. Chairman, members of the committee, it's an honor to be here today. I'm excited to run for another term on the Francis Marion board representing the 4th district. I've enjoyed the time that I've served on the board. I've had the opportunity to chair a couple of committees, and we've got a lot of positive momentum at the

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university, and I'm -- look forward to helping do my part to continue that.

CHAIRMAN SENATOR PEELER: Questions or comments from members of the committee?

REPRESENTATIVE CLARY: Mr. Chairman.

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good afternoon, Mr. Bryson. Thank you for being here and thank you for your service and your desire to continue to serve. When I look at your responses to the questions that have been presented to you, ways to improve the school: maintain affordable tuition and enhance fundraising, because you also pointed out the size of your endowment. What is the size of your endowment?

MR. BRYSON: Representative Clary, I would have to check on that because I'm not certain, and I would not want to give you a bad number. But I can certainly find out and report back to you. It would not -- it would not be the size of my alma mater, Clemson University, to be sure.

REPRESENTATIVE CLARY: Well, and, of course, we always complain over there that it's not large enough too.

MR. BRYSON: Yes.

REPRESENTATIVE CLARY: But -- and I guess it goes back. You talk about the visionary leadership of President Carter, and I agree with you. He is a tremendous leader, but that arm of administration is being able to raise funds, and I realize how difficult it is. But what kind of steps are being taken in your -- if you have a strategic plan in order to do that?

MR. BRYSON: The university has put a real focus on the foundation and has strategically been targeting industries in the areas as well as updating their donor base, prospective donor base, becoming scientific. As I stated, we're a very young university, relatively speaking.

REPRESENTATIVE CLARY: Right.

MR. BRYSON: And so all of these steps are being taken in conjunction with raising awareness of the foundation and looking for additional partners to help participate in the growth of the university through the foundation.

REPRESENTATIVE CLARY: What kind of ratio do you have of in-state to out-of-state students at Francis Marion, Mr. Bryson?

MR. BRYSON: Our in-state enrollment is 96 percent currently.

REPRESENTATIVE CLARY: Francis Marion is an excellent school, but it's more regional in its approach and in attracting South Carolinians.

MR. BRYSON: Yes.

REPRESENTATIVE CLARY: Would that be a fair assumption?

MR. BRYSON: I believe that to be true, yes, sir.

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REPRESENTATIVE CLARY: Thank you very much.

CHAIRMAN SENATOR PEELER: Thank you. Anyone else? Mr. Bryson, this has nothing to do with the Francis Marion board, but I notice you're on the Southern Connector board of directors. How long have you been on their?

MR. BRYSON: I just finished my second term, and my final term, I might add. We have a -- there's term limits in effect, so I completed my service just recently.

CHAIRMAN SENATOR PEELER: Is it beginning to pay for itself, or?

MR. BRYSON: It is. They -- we have been setting usage records for several consecutive months now, and the revenues are in great shape. It has -- it took a long time. It had to go through a period of bankruptcy, but they came out of it very strong. They reissued the bonds to the private bond holders, and since that time, it really has boomed. And so it's not a lonely stretch of highway anymore.

CHAIRMAN SENATOR PEELER: If we want to connect it from Mauldin to the North Carolina line right at Blacksburg, what would that take?

MR. BRYSON: Oh, wow. That would be fabulous. However, a lot of right-of-way acquisition.

CHAIRMAN SENATOR PEELER: I'm off subject right not.

SENATOR VERDIN: A lot of that growth, Mr. Chairman, is due to the outstanding economic activity that's taking place out at Jody's environs, his little corner of the vineyard at the old Donaldson Center.

MR. BRYSON: Well, thank you.

SENATOR VERDIN: In fact, what do you call it?

MR. BRYSON: SCTAC.

SENATOR VERDIN: SCTAC.

MR. BRYSON: South Carolina Technology and Aviation Center.

SENATOR VERDIN: I mean, they're building -- well, your Lockheed component is astounding.

MR. BRYSON: We are the -- in case you have not heard, we are the new production home of the Lockheed Martin F-16 Viper fighting jet. And production is underway, and the first one will roll off the assembly line in December. That's a-- that's a huge, huge --

CHAIRMAN SENATOR PEELER: And it's an --

MR. BRYSON: -- game-changer for the state.

CHAIRMAN SENATOR PEELER: -- easier way to get there too.

MR. BRYSON: That's right.

REPRESENTATIVE CLARY: Mr. Chairman, it's probably all those trips that I make from Clemson down here on the Connector that's --

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(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Okay, motion is a favorable report. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, all in favor, raise your right hand. Unanimous.

Thank you, sir. Appreciate you being here.

MR. BRYSON: Thank you very much. I appreciate your time.

CHAIRMAN SENATOR PEELER: The 7th Congressional District, Seat 7, George McIntyre, Bennettsville.

Good afternoon, sir.

MR. McINTYRE: Good afternoon. Good to be here.

CHAIRMAN SENATOR PEELER: For the record, if you'd give us your full name.

MR. McINTYRE: George Chandler McIntyre.

CHAIRMAN SENATOR PEELER: Good. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. McINTYRE: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. McINTYRE: Yes, sir.

It's been an honor and a privilege to serve as a member of the board of trustees for 20 years at Francis Marion. I'm a graduate there, 1978, and it's just been an honor and a privilege to be able to go back and serve and be a part of the university family from a different perspective and to see how far the university's come over these 50 years, as we're celebrating our 50th anniversary this year, starting out very humbly in the basement of the Florence library back in the late '50s and early '60s, and then Francis Marion College began in 1970.

And now to see what's it's offering the citizens of the Pee Dee and the state of South Carolina in 2020 is just very, very pride -- it's a prideful thing. It's a good thing, and it's good for the citizens, I believe.

CHAIRMAN SENATOR PEELER: Good. Questions or comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you.

Your tenure on the board is 20 years. Where does that put you in the overall number of trustees in length of service?

MR. McINTYRE: I believe there may be three or four that have been there longer than I have.

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SENATOR ALEXANDER: And if I'm reading this correctly, in that 20 years, you've only missed one meeting.

MR. McINTYRE: That's correct, sir.

SENATOR ALEXANDER: Well, you're to be commended.

MR. McINTYRE: Thank you, sir.

SENATOR ALEXANDER: Thank you.

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

And Mr. McIntyre, thank you for your service. In the 20-plus years that you have served on the Francis Marion board, have you served as chairman?

MR. McINTYRE: Yes, sir, on two different occasions.

REPRESENTATIVE CLARY: Two different occasions.

And you've been in this room listening to my questioning of other members of boards of trustees. Tell me how the process works at Francis Marion insofar as the way that you move your proposals, your issues, and if I went back and looked at your minutes, tell me what that would reflect.

MR. McINTYRE: Our -- most of our curriculum, most of our policy start at the -- at the staff level. They do research. They bring it to -- of course, the president and the administration are involved in that.

They then bring it typically to a committee level, whatever that might be, whether it be academic affairs, student affairs, athletics. Whatever that might be, it comes to that level. There's a lot of communication along the way between the -- the faculty, the staff, the administration, and the board members.

A lot of issues that might could become contentious are worked out along that way. So I'd have to say it's vetted very well, and it starts -- and it's not something that happens overnight. It's just a process.

And then ultimately if we feel like that it's a policy or a curriculum change or improvement that we need to do, then it comes eventually through the committees, and then it comes to the board of trustees.

REPRESENTATIVE CLARY: And in so doing -- I mean, you -- you have a president that's been -- that's well-known around here and very highly regarded. And insofar as opposing what he may want to do -- you've been there 21 years now -- does that happen?

MR. McINTYRE: There has been disagreement, yes. There's been disagreement over the years on different issues and things. But typically he keeps an open mind, and if a board member has an opposing issue or vote or an opinion, then he tries to listen and keeps an open mind about it.

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And we do not have, really, a lot of division at the final vote because most of those things are vetted very well before that time. And so when you read -- reflect on those minutes, you will see most of the decisions are unanimous. But if there are issues that need to be resolved, they're typically done at the committee level or before they even get to the committee level.

REPRESENTATIVE CLARY: So those committee levels, do they have minutes?

MR. McINTYRE: Yes, yes.

REPRESENTATIVE CLARY: And that would reflect any disagreement that might occur there?

MR. McINTYRE: Yes, any questions or disagreements or issues.

REPRESENTATIVE CLARY: Now, I -- what I'm getting at is, you know, I'm not looking for people who want to be the proverbial rubber stamp. I'm looking for folks that are going to represent the district and the state at Francis Marion.

MR. McINTYRE: Exactly, and that's exactly what we want to do as well, sir.

REPRESENTATIVE CLARY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Mr. King.

REPRESENTATIVE KING: Thank you, Mr. Chairman, and I'll make it fast because we are running a little bit behind.

Costs compared to other colleges and universities, how do you all keep your costs competitive, and where do you all rank within the university system here in South Carolina, public universities?

MR. McINTYRE: We have always ranked in the bottom tier of costs, and it's reflective of the service area that we do serve. We're very cognizant of that, and we try to keep our costs as low as we possibly can. And I think if you'll look at it, we're probably in the top -- I mean, the bottom third of the -- of the costs per universities in South Carolina.

And I think actually when some study was done recently, if you consider all the costs, like housing and food, those kind of things, we're actually the lowest total cost as far as effectiveness goes.

REPRESENTATIVE KING: And what is your percentage of in-state and out-of-state students?

MR. McINTYRE: Oh, wow. We're South Carolina, and we're educating South Carolinians. We've got about 96 percent enrollment of South Carolinians.

REPRESENTATIVE KING: So let me ask you --

MR. McINTYRE: It's the highest in the state.

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REPRESENTATIVE KING: I've been on this committee for a couple years, and what I'm finding, or at least what I'm hearing -- and I'm impressed with what you're saying about your costs being the lowest in the state without, you know, the out-of-state folk. How do you keep it low with in-state students? I mean, I'm trying to --

MR. McINTYRE: It's that great board of trustees, sir.

Seriously, I mean, Dr. Carter, we all know, is one of the best financial minds in the state. He does a great job in managing the budget. All of our vice presidents, the staff, they're all on the same mind-set of managing those dollars effectively.

We've been very successful in raising money outside of public money. We've started something called the First Generation Fund that's raising outside of the institutional money for first-time college goers. Those are the types of things we're doing, just raising monies any way we can institutionally without having to come back to the legislature for more money or increasing tuition. So we're just working hard to keep those costs down.

REPRESENTATIVE KING: I appreciate your service, and if you are anything like Representative Henegan, you're always working.

MR. McINTYRE: She's -- she's my hometown representative.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: A favorable report. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any discussion? Take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you, sir.

MR. McINTYRE: Thank you, sir.

CHAIRMAN SENATOR PEELER: Next, Francis Marion, At-Large Seat 9, Karen Leatherman, Florence.

For the record, give us your full name.

MS. LEATHERMAN: Karen Ann Leatherman.

CHAIRMAN SENATOR PEELER: Thank you. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. LEATHERMAN: Yes, I do. Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. LEATHERMAN: Sure. I would love to have that opportunity, and I appreciate the opportunity to be here before you guys today. I'm in the

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end of my first term, so this would be my second term that I'm encouraged, hopefully, to continue through y'all's vote.

You know, I feel like -- I'm a graduate of FMU. I graduated in 1980. I played basketball there. And I feel like I'm -- and I grew up in Florence, and I live in Florence County now. I'm a business owner, so I think I bring something to the table there.

I have served in this first term on the finance committee and the student affairs and athletic committee and just this last year moved to the executive committee because I became the chair of the student affairs and athletics. So I just feel like it's an opportunity for me in my life especially to give back to the community and to the school where I got my degree.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

Representative Clary.

REPRESENTATIVE CLARY: I have one question. You say that you have a current enrollment of 4,000 --

MS. LEATHERMAN: That's -- that's --

REPRESENTATIVE CLARY: -- and ways to improve Francis Marion, more money for growth and development of athletic programs and student athletes. What kind of ratio of student athletes do you have to your student body?

MS. LEATHERMAN: It's probably about 10 to 15 percent through all the sports.

REPRESENTATIVE CLARY: And you also say that you've created an office of multicultural and international student affairs. Is that something that has been recent?

MS. LEATHERMAN: It's been there since I've been on the board.

REPRESENTATIVE CLARY: Okay.

MS. LEATHERMAN: Yeah.

REPRESENTATIVE CLARY: And tell me a little bit about that.

MS. LEATHERMAN: Well, part of that committee that I'm on with student and -- excuse me, student and athletics -- student affairs and athletics is they report to the board every time, and the president of the student council, or student body government, is there as well as other representatives.

And they're always telling us and presenting to us what they're doing to educate students on diversity, all types of diversity, and that programming is reflected in their -- all the way with athletics and how things are handled there, and it can be even things as -- there's even a

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mental health initiative with this group where they're teaching kids, reach out, you know, before it becomes an issue.

REPRESENTATIVE CLARY: Thank you, ma'am.

Thank you, sir.

CHAIRMAN SENATOR PEELER: Well?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. President.

And good afternoon. I appreciate your service.

MS. LEATHERMAN: Thank you.

SENATOR ALEXANDER: I just wanted you to comment briefly, if you would, where you said in the past it would have probably been a weakness about the connection to downtown Florence, and you've outlined that there have been several initiatives from that standpoint.

MS. LEATHERMAN: Right.

SENATOR ALEXANDER: So how would you say overall is that -- is that being well-received by the folks from downtown Florence? Is the university seeing additional support from the community as a recognition and as a result of that interaction?

MS. LEATHERMAN: Absolutely. I had mentioned that I graduated in 1980, and when I was there -- you know, Francis Marion, if you're familiar with Florence at all, is -- from downtown Florence is two, three miles down the road, but Florence people acted like it was forever; you know, you're going to Columbia. So we didn't really feel that support.

Now there is a partnership that has grown through the city council, the city manager, the city mayor, and the county as well. But in particular, the city of Florence and Francis Marion and the state -- you guys have been partners in all of that too. I mentioned the three facilities that have been built. So now there is a presence of students downtown.

We have our fine arts, performing arts facility. We have the Luther F. Carter health sciences building where we've added physician assistance programs, speech pathology, a doctorate in nursing. And there's just a lot -- a future for Francis Marion in the health sciences program, and that's the exciting part for me as a board member, to see that we're in a really crucial time there and offering a lot of new programs.

So to answer your question, yes, we have a strong partnership.

CHAIRMAN SENATOR PEELER: Anyone else? Desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: The motion is favorable.

(Motion is seconded.)

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CHAIRMAN SENATOR PEELER: Seconded. Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. It's unanimous.

Thank you for your willingness to serve.

MS. LEATHERMAN: Thank you for your time.

CHAIRMAN SENATOR PEELER: Next, At-Large Seat 11 for Francis Marion, Tab G, H. Randall Dozier, Murrells Inlet.

Good afternoon, sir.

MR. DOZIER: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. DOZIER: Herbert Randall Dozier.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. DOZIER: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. DOZIER: Thank you.

I'm originally from Marion and Horry Counties. I attended school at Francis Marion University and graduated in 1977. I've been on the board of trustees at Francis Marion, and I'm very proud of this, since I was appointed in 1991 by then-Governor Campbell to fill a vacant seat.

I've served in a variety of capacities and chaired various committees since that time. I also have an honorary lifetime alumni membership. And last year I was named Outstanding Alumnus of the Year for 2019.

My family has an endowed scholarship in the family name. I'd like to continue to work on expanding that scholarship. I'm presently serving as vice chairman of the board. I recently served as chairman of the board from 2011 to 2014.

Francis Marion has played a very important role in the successes that I've achieved in my lifetime. Being from the Pee Dee, I don't know if I would have been able to go to school if it hadn't been for Francis Marion. I was the first in my family to graduate from college.

I'd very much like to continue to serve on the board to serve the institution and the Pee Dee area in South Carolina. Thank you for considering me today.

CHAIRMAN SENATOR PEELER: Thank you.

Questions, comments?

Mr. Clary.

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REPRESENTATIVE CLARY: Mr. Dozier, thank you very much for your service, and now that you have been on the board for almost 30 years --

MR. DOZIER: I didn't serve consecutive for that because when I was in Greenville for 21 years, I had to resign for about a year. Then I was reelected. So I'm not sure if my consecutive term --

REPRESENTATIVE CLARY: Okay. Well, let's say --

MR. DOZIER: It's about -- close to that.

REPRESENTATIVE CLARY: Let's say except for a one-year hiatus --

MR. DOZIER: Yes, sir.

REPRESENTATIVE CLARY: -- between now and 1991.

Do you think -- tell me how many people are on that board that have served longer than you?

MR. DOZIER: One sitting right behind me, Mr. William Coleman, and just a couple -- unfortunately, some of them have passed on, so there are a few people, but not too many.

REPRESENTATIVE CLARY: And you have how many members?

MR. DOZIER: Well, we have two from each congressional district and some at-large. I think it's about 18, 19 members.

REPRESENTATIVE CLARY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Favorable. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Discussion? Hearing none, let's take it to a vote. All in favor, say -- well, raise your right hand. It's unanimous.

MR. DOZIER: Thank you.

CHAIRMAN SENATOR PEELER: Thank you, sir.

At-Large Seat 13 for Francis Marion, Patricia Hartung.

Mrs. Hartung, I want you to say your full name --

MS. HARTUNG: Patricia --

CHAIRMAN SENATOR PEELER: -- in case I mispronounced it.

MS. HARTUNG: Patricia C. Hartung.

CHAIRMAN SENATOR PEELER: Okay. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. HARTUNG: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. HARTUNG: I would.

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I'd very much like to continue my service on the board of Francis Marion University. Besides the reasons I enumerated on my personal data questionnaire, these are very exciting times at Francis Marion, and I think I'd be remiss if I didn't tell you a little bit about what's happening in that Pee Dee region.

What started as a two-year college as part of the branch of the University of South Carolina has grown into a university graduating students that are impacting many, many lives in South Carolina. While the university has remained true to its mission of serving the people in the Pee Dee, the university is identifying needs of the future and graduating students that will become those dynamic individuals that will change South Carolina, and I truly believe that.

I live in the west central part of South Carolina, and I see what's happening with other universities in the state. And I believe Francis Marion is doing an amazing job in sending people out, students out, to do the right thing for South Carolina. It makes me really proud to be a part of that institution.

My professional experience is in public service. I'm the director of a regional planning and development council, and I have served at the university since 1999, the same year Fred Carter came on board. It's a strong contributor to the economic development of that region.

I've done planning in community and economic development my entire life, and that is a textbook example of what is happening in a region where you have a committed board, a committed university, and faculty that are truly trying to make a difference in educating those students in that part of the state.

It's not only doing all that for the students. It is changing the face of downtown Florence, and I hope all of you have had an opportunity to go to Florence lately. They are now in the process of renovating the old post office and putting a health science -- or a health program in there with some medical labs, in addition to the -- the work that's been done in the performing arts center and in the health sciences building downtown. These are all economic development stimuli that are going to pay dividends for that part of the state in years to come.

Our enrollment is now at 4,000 students, and it has grown continually in the recent past, due in part to the faculty and the administration and the board's acknowledgement that the careers of the future are changing. I work in an organization where we deal very often with high schools and technical colleges in preparing students for the careers of the future. We have a workforce development program.

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I see the work of Fred Carter and that faculty in really understanding the careers of the future, in working towards getting those programs put in place at the university level to make those students employable and contributing members of South Carolina.

I'm extremely proud of the accomplishments that the university has been able to do since the 20 years I've been on the board, and the faculty and the trustees work together very well. We meet regularly with them every time we're on campus. We have student government representation. And it's a really good, symbiotic relationship, and the end result is what's happening in the Pee Dee region of South Carolina, which is really phenomenal.

CHAIRMAN SENATOR PEELER: Thank you.

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Two questions. Good to see you this afternoon.

MS. HARTUNG: Thank you, sir.

SENATOR ALEXANDER: And thank you for your service not only on the board, but the work that you do with the council.

How big is the -- you say the way to attract more students is to continue the Bridge Program. How many do you have in your Bridge Program?

MS. HARTUNG: I don't know the exact number because it fluctuates. It depends on which of the technical colleges are participating in it.

But it has been a valuable resource in identifying those students who are probably not mature enough to come into the university right after high school, but with a little help would become excellent students, given the right surroundings.

SENATOR ALEXANDER: So it's been a very successful program?

MS. HARTUNG: It's very successful, and this is not the only place that it's done. Other universities in South Carolina practice that as well.

SENATOR ALEXANDER: And then one quick question as well. It says the biggest strength -- and you mentioned it in your comments -- educating students for real-time jobs.

So is that a specific focus with y'all working with other industries in the Pee Dee area, or how are you making sure that your students -- that there's that connection between jobs being available and their education?

MS. HARTUNG: Well, one of the things that our administration does, in particular our president -- he's very active in both community and regional and state affairs. Fred sits on the Governor's Committee on Medical Education. He's on the South Carolina Research Authority Board. He is a committee member of the Institute of Medical and Public Health.

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He hears where those jobs are. He listens. He understands that those areas that we are introducing -- for instance, mechanical and industrial engineering. He hears from his colleagues in the Pee Dee region, the industrial companies in that region that those are the areas where we don't have sufficient graduates.

He sits on the Carolina Health Systems board. They say, we need graduates in such-and-such areas. He takes all that back. He meets with the faculty and the board of trustees, and he works out a way in which we can develop programs and find the funding for those programs that are critical to those jobs of the future.

SENATOR ALEXANDER: Thank you. Thank you.

Thank you, Mr. President.

REPRESENTATIVE KING: A quick question.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

A quick question in reference to -- and he mentioned the strength, but you have a weakness as insufficient funding, especially about the honors learning center.

MS. HARTUNG: That is something that I think is going to be very valuable to Francis Marion. We -- last summer, we came back in with a little bit of cost overrun. We're building a new honors building. It's about 15,000 square feet. It's going to house the honors college plus a couple of other academic programs.

When you have an excellent honors program and you provide those students who are qualified to participate in that program, you attract a very good caliber student. And I think if we had -- I think we're on the way to getting full funding for that, but there still is a lack. I think it came in last year at 1 -- a little bit over 1.1 million in cost overrun.

So I think if we could put a funding package together -- and for all I know, Fred's already on top of that -- then I think that that would be something that would be a star in the crown for the university, to have an excellent honors program.

REPRESENTATIVE KING: Do you know if all the board members are at 100 percent in giving?

MS. HARTUNG: In -- I -- hmm. I believe we are. I can't say that for sure, but I believe we are, especially with this First Generation Fund. We all felt passionate about that. And Fred has really done an excellent job in identifying the families in the Pee Dee who have been able to accomplish something with their lives because they were given scholarships to attend Francis Marion and give back to the university.

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REPRESENTATIVE KING: Do you know what the -- and you may not know this answer. What is the minimum that a board member is required to give, or asked to give?

MS. HARTUNG: I have never been asked for a minimum. I give from my heart and what I can give. I have never been asked that question or told a number.

REPRESENTATIVE KING: Okay. And do you know what the endowment is there at the institution?

MS. HARTUNG: Gosh, I really don't.

REPRESENTATIVE KING: Thank you.

MS. HARTUNG: I'm sorry.

CHAIRMAN SENATOR PEELER: Mr. Clary.

REPRESENTATIVE CLARY: Thank you, ma'am. Just to follow up a little bit on the Bridge Program, the -- and I understand that this would ebb and flow, but what's the approximate number of Bridge students that you have, and what colleges and universities do you have agreements with?

MS. HARTUNG: As far as --

REPRESENTATIVE CLARY: Or technical schools.

MS. HARTUNG: -- technical colleges, I think there's Florence-Darlington Tech, and there's Horry County Tech. And -- and there may be one other. We did a new partnership with The Continuum. I don't know if y'all are familiar with that.

REPRESENTATIVE CLARY: Up in Lake City.

MS. HARTUNG: Yeah.

And that -- while that's not really considered the Bridge Program, we do identify -- we send faculty down there. They teach down there. They do alternative types of programs down there where those students can bring those skills back into the university and graduate in more traditional programs. But...

REPRESENTATIVE CLARY: And I assume that you have high school students that come onto campus and take courses and that are readily transferable.

MS. HARTUNG: Yeah, and we also have faculty that go to high schools. A good example is the Governor's School for Math and Science.

REPRESENTATIVE CLARY: Thank you, ma'am.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

Senator Verdin.

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SENATOR VERDIN: Well, the least I can do is offer a motion for a favorable report because everything else in my life has been a disservice to Patricia.

I hated -- you only see me here at these confirmations. One of these days, I'm going to try to step up to the plate and join all those other great Laurens County residents who come over and participate with you on your board and sing your praises on a professional basis.

So if your service to Francis Marion is half of what it is to our communities in the Upstate and Upper Savannah, it's certainly exemplary.

CHAIRMAN SENATOR PEELER: Senator Verdin moves favorable.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Any discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Senator Scott. Okay.

Thank you.

MS. HARTUNG: Thank you.

CHAIRMAN SENATOR PEELER: Let's see. The last one from Francis Marion. We're coming up on the last one, At-Large Seat 15, William Coleman from Florence.

Good afternoon, sir.

MR. COLEMAN: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, give us your full name, sir.

MR. COLEMAN: William W. Coleman, Jr.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. COLEMAN: I do.

CHAIRMAN SENATOR PEELER: Are you the old man of the crowd?

MR. COLEMAN: You know, I'm the last one to come up. Y'all have asked all the questions. I've been on the board the longest. I'm a 1971 graduate. I really finished my career -- core in December, and we were accredited in June, so I really graduated before we had a college.

CHAIRMAN SENATOR PEELER: Any other comments you'd like to make before we start?

MR. COLEMAN: No, sir. I -- you know, my wife's a graduate. I've got sisters that have master's degrees, nieces, nephews. I'm a big, hard supporter of Francis Marion.

CHAIRMAN SENATOR PEELER: Questions or comments from members of the committee?

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(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Discussion? Hearing none, take it to a vote. All in favor, raise your right hand.

MR. COLEMAN: Thank you.

CHAIRMAN SENATOR PEELER: Thank you, sir.

MR. COLEMAN: Thank y'all for voting for me. I appreciate your support.

LANDER UNIVERSITY

CHAIRMAN SENATOR PEELER: If there's no objection, we'll go to Lander University, and 1st Congressional District, Seat 1, Cary Corbett from Hilton Head.

MR. CORBITT: Good afternoon.

CHAIRMAN SENATOR PEELER: Good afternoon, sir. For the record, give us your full name.

MR. CORBITT: Cary Carter Corbitt.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. CORBITT: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. CORBITT: Sure. I've been on the Lander board for about four or five years, and I really enjoy, not only the Lander -- serving on the Lander trustees, but I've been fortunate enough to work for the Sea Pines Resort for right at 43 years, so I've been given the opportunity to serve on different boards and -- whether it's with -- through the Golf Course Owners Association or through our chamber or through our community, and the Lander board has been very, very enlightening.

From the educational side, we have -- when I first started to where we are today -- Rich Cosentino, which is our new president, has been with us about three years, has made a wonderful basic transformation to -- for Lander.

We've -- when I first started, we were down in enrollment and really kind of looking to where we needed to go and how we were going to get there, and now we're approaching -- this year, I believe we have 3,227 students. We've got about 95 percent of our dormitories being utilized.

And there's a lot of energy on the campus, and it's a pleasure to see what is being -- is going on there, and we've got some really talented

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faculty and administration, staff as well, and it's -- a lot of favorable things are going on.

CHAIRMAN SENATOR PEELER: All right. Questions?

Mr. Clary.

MR. CLARY: Thank you, Mr. Chairman. Mr. Corbitt, thank you for serving. How long have you served on the Lander board?

MR. CORBITT: I was a governor's appointee, so I believe it's been five -- around five years, maybe six.

MR. CLARY: And I'm very familiar with Lander. I'm -- I visit there quite frequently. My son-in-law's the women's basketball coach there.

MR. CORBITT: Right.

MR. CLARY: And you do have a lot of very good things going on. Tell me a little bit about your Bridge Program up there.

MR. CORBITT: Well, we have a Bridge Program with Piedmont Tech and Midlands Tech, and so it's something that Rich has really tried to pursue the last couple of years. And then we've also started with the University Center in Greenville, so we've got programs that we've launched this fall there, so...

MR. CLARY: And also, in addressing diversity on campus, you say continually looking at this issue. What kind of steps are you taking to address diversity rather just looking at it?

MR. CORBITT: Well, we've -- I did make some notes, so our -- we have -- 59 percent of our student body are Caucasian, and 29 percent are African-American, and that is continuing to increase.

We have -- let's see -- 80 percent of our student body is from South Carolina. And so we do have a lot of -- we do have conversation in our board meetings with regard to diversity on our faculty/staff, as well as our student enrollment, and so as long as they -- these students qualify and are accepted, we are certainly open.

MR. CLARY: So do you have a diversity officer there?

MR. CORBITT: I would say yes, but I could not say that for sure.

MR. CLARY: All right. Thank you, sir.

CHAIRMAN SENATOR PEELER: Anyone else?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And thank you for offering to continue to serve. And as a board member there for several years now -- you're saying, what, five to six years, something like that?

MR. CORBITT: That's right.

SENATOR ALEXANDER: I just wanted to kind of get a feel -- and you kind of caught my eye -- or my ears. I heard you saying -- and I'm hearing

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good things about your president that's been on board, what, about three years now?

MR. CORBITT: Correct.

SENATOR ALEXANDER: So the board interaction from that standpoint, and as a board member, how do you -- do you set policy? Do you have interaction? What is the role of the board in helping Lander set its direction from that standpoint?

MR. CORBITT: Well, Rich is very open. He lets -- he brings the board into conversation in every aspect, and, yes, we have -- when we first started, we had some policies and procedures, but not near to the extent of what we needed to really guide the school.

And we -- each board meeting, we either approve two or three policies or sometimes many policies. And so we've made a big effort in the last year to where we've got a very, very large amount of policies that we've put forth to guide all aspects of the college.

SENATOR ALEXANDER: So y'all have -- if I'm hearing you correctly, y'all have interaction, and just because he's presenting it, it doesn't mean y'all rubber-stamp it.

MR. CORBITT: Oh, gosh, no. No. We have a very strong board. We are very involved, every one of us. And so as they are presented, if it really is a policy or procedure that we need to implement, we certainly will approve it.

If not, we'll send it back for review. And so, no, it's not a blank statement, and it's not just a --

SENATOR ALEXANDER: Regardless of how good a job he's doing, you take that interaction and y'all send things back for review if you y'all feel it's --

MR. CORBITT: If we feel that it should be, yes.

SENATOR ALEXANDER: Has that occurred?

MR. CORBITT: It's occurred twice in the last two board meetings.

SENATOR ALEXANDER: Thank you, sir.

CHAIRMAN SENATOR PEELER: Any questions?

Mr. Whitmire.

REPRESENTATIVE WHITMIRE: All right. This is a very important question. Do you know of anyone that could help me get rid of my hooks off the tee?

MR. CORBITT: We've got a great learning center and a great --

REPRESENTATIVE WHITMIRE: That I can afford.

MR. CORBITT: -- head of instruction. Very affordable.

REPRESENTATIVE WHITMIRE: All right.

CHAIRMAN SENATOR PEELER: Senator Scott?

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SENATOR SCOTT: Thank you for your service. I saw the articulation agreement and some of the other agreements you have with Piedmont Tech and Midlands Tech. In the service area where Greenwood is -- Greenwood, Laurens, Edgefield, Abbeville, McCormick, Saluda, and Anderson -- is that the largest area which you're drawing students from?

I know because -- and one time, y'all really actually charted out where the students are actually coming from and created some targeted areas.

MR. CORBITT: We -- I would probably say you're very close to correct. I'm from McCormick, South Carolina.

SENATOR SCOTT: Okay.

MR. CORBITT: And so I started out at Newberry and then transferred to Lander. Yes, it's probably a college that has more than, or a good amount of the locals from those counties that you're speaking of. But even at Hilton Head, I know of four students that we have going to Lander now. And so we target different areas and look at them, and we do site visits, and we try to get --

SENATOR SCOTT: The reason why I asked you that is --

MR. CORBITT: -- as broad as we can throughout the state.

SENATOR SCOTT: The reason why I asked you is because some of our smaller colleges, and that would -- maybe not tiny, but you're still a small college.

MR. CORBITT: A small college, absolutely.

SENATOR SCOTT: But they're beginning to look at like -- Francis Marion is an example -- becoming more of a regional university so that students can cut costs, not living on campus, but actually can commute every day. So whether that's --

MR. CORBITT: Well, we have a good many commuters. To say the exact percentage, I don't -- can't tell you that, but we have a lot of commuters.

SENATOR SCOTT: Yeah. That's becoming very common, especially after transferring after two years from the technical schools coming in.

MR. CORBITT: Correct.

SENATOR SCOTT: So I don't know how much knowledge you actually had on what was going on as it relates to commuters and those who actually come out of the geographical area.

Because what we're finding is that students who get educated in those communities tend to stay in those communities, and we're watching a large number of students who come to major areas of the state, and out of state, they just don't come back.

MR. CORBITT: Right.

SENATOR SCOTT: And so we're losing the talent in those locations.

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MR. CORBITT: Well, we've got a wonderful nursing program, and so as we graduate nurses, and they're -- a good many do stay within the Greenwood area and surrounding, but the nursing profession is a very sought-after profession.

SENATOR SCOTT: Well, you've got Greenville --

MR. CORBITT: Greenville, absolutely.

SENATOR SCOTT: -- and Anderson in that. And so you've got --

MR. CORBITT: Certainly. And Aiken.

SENATOR SCOTT: And Aiken. You've got some good hospitals surrounding you. Thank you so much.

CHAIRMAN SENATOR PEELER: What's the desire of the committee?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion is a favorable report. Is there discussion?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you. Thank you so much for your willingness to serve.

MR. CORBITT: Thank you.

CHAIRMAN SENATOR PEELER: With no objection, we'll go ahead and get started. I'd like to call the meeting to order. This is the College and University Trustee Screening Commission. I pray that God continues to bless us all.

First of all, we have Lander University, 2nd Congressional District, Seat 2. Tab A, Angela Strickland from Chapin.

MS. STRICKLAND: Hi. Do I sit here?

CHAIRMAN SENATOR PEELER: Make sure your green light's --

MS. STRICKLAND: It is.

CHAIRMAN SENATOR PEELER: -- shining.

For the record, if you would, give us your full name.

MS. STRICKLAND: Angela Gilbert Strickland.

CHAIRMAN SENATOR PEELER: Great.

I'm going to swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. STRICKLAND: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. STRICKLAND: Sure.

I'm very glad to be here. Very glad to be here after having served on this board for the last four years. Very thankful for that experience. It was something I never thought I would necessarily be doing, but once it

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sort of came into -- the opportunity came about, it was something that I wanted to do.

And once I had started it, and as it's continued, it's brought me just a lot of personal satisfaction to be able to serve on this board, serve the students, parents, the university, the community, and it's just really been a very rewarding experience for me. And I look forward to serving another term.

CHAIRMAN SENATOR PEELER: Great. Any questions or comments?

REPRESENTATIVE KING: I.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

I just have a question for you. I'm actually doing a deal in the House that eliminates application fees for students or South Carolina citizens, application fees that they have to pay to go to colleges and university. How do you all do it? Because you all are the only one in the state that doesn't charge an application fee.

MS. STRICKLAND: Well, you know, I actually didn't realize we'd gone to that process. I knew in past years, we would very readily give out waivers to a lot of people and, you know, we all had a stack of them, and I would give them to any prospective students that I knew were interested in Lander. Or even if they weren't interested, I'd say, Hey, here's a school you should consider; you know, that sort of thing.

So I actually didn't realize we had gone to the, to the no-fee. I actually think that's wonderful. I mean, I came from a very small town and was applying to lots of different schools. I had good grades and had, you know, the opportunity to go to a lot of places and wanted to apply to a lot of places, and it was tough to do -- have all those fees, for sure.

Even though I think, most of the time, they're \$25, you know, but it can really be a lot for people. And I think to, I don't want to say prioritize, but, I mean, the South Carolina residents, I mean, should get that advantage, for sure. So I don't know the exact, you know, where the money was shifted around. I do know that we have had that strong push in recent years to get enrollment up and to try to, you know, really get these South Carolina students in here.

Not that we don't value the out-of-state students as well. I mean, my husband was an international student, so, you know, there's lot of value in those folks. But we need to make sure that we're taking care of our citizens, for sure, in South Carolina.

REPRESENTATIVE KING: Well, I just want to say thank you all for that. But the range is from, like, maybe \$40, and I think the high was \$95

MS. STRICKLAND: Oh, okay.

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REPRESENTATIVE KING: -- for the fees, and -- but the same fee was for out-of-state and in-state, but I wanted to just say thank you to Lander for being at the forefront of making sure South Carolinians have an opportunity to apply to your school --

MS. STRICKLAND: Absolutely.

REPRESENTATIVE KING: -- and the application fee is zero. Thank you.

MS. STRICKLAND: Absolutely.

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Chairman.

Good afternoon, Ms. Strickland. First of all, thank you for your service. I have several questions for you. Number one, since you are such a relatively new member of the board of trustees, when you became a member, what type of training did you have or orientation that you could relate to me?

MS. STRICKLAND: Sure. Whenever I first came on, I think there was myself and maybe one other individual who'd come on at that point. We went up to Lander for a day, and we were able to just sit -- we sat down with the different -- obviously, the president, but the different vice presidents as well and were able to really just get a -- sort of an update on everything that had been going on.

We were in the middle of accreditation and a couple of other issues when I came on -- or reaccreditation when I came on four years ago. So we were able to sit down and really get the lay of the land. We were given, you know, a manual, so to speak, pretty thick, that had lots of different reports in it and things to get us up to speed. So we had that opportunity before our first board meeting to do that.

And, you know, and then we'd come into the board meeting and, you know -- as an attorney, I understood, you know, Robert's Rules and things like that, so at least I, you know, could follow how the meeting went. So I didn't need a lot of that background. But there was a lot of things when we have new members, you know, in those first meetings to make sure they understand the procedure that we're going through, following the agenda, how the voting works, and that sort of thing.

REPRESENTATIVE CLARY: I've looked at a number of college and universities' minutes of their meetings, and there are some that everything that's done by a board is unanimous. Tell me how things work at Lander. Do you have -- are you able to have discussions and disagreement in trying to reach some sort of a policy decision?

MS. STRICKLAND: Sure. Yeah. There are things that are unanimous, but there's lots of discussion, for sure. And sometimes, you may see a

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unanimous vote, and that really doesn't give you all the behind-the-scenes, that there was a lot of discussion, you know.

So I do think -- ultimately, I think, as a board, it makes everyone feel at peace if we ultimately are able to sign off on a decision, even if maybe we started out not agreeing with it. You definitely can abstain or vote in opposition if you want to. I never have felt that I was not able to do that.

And once I came on the board, because I had no history or anything like that -- and, again, as being a lawyer and, you know, we like to look at the fine print and question things, there were lots of things that would come up, and I would just have questions about. You know, I see that this was done -- this contract was signed ten years ago, but, you know, kind of, what's going on there?

So, yes, I think that there's definitely healthy discussion. I do think that if we can get to an agreement by the end and then what you ultimately see is potentially a, you know, unanimous vote, there's still healthy discussion behind it, for sure.

REPRESENTATIVE CLARY: Well, I guess the -- one of the biggest things would be that the minutes reflect that healthy discussion.

MS. STRICKLAND: Yeah.

REPRESENTATIVE CLARY: Because when the minutes don't reflect things like that, I think it might lead you to believe that someone -- that a board is a rubber stamp, and so I think that's very important.

A couple of other things. You mentioned how can Lander -- or the question was, How can Lander attract students, and your answer was, Lander has seen a high increase in students in the last four years, close to capacity in on-campus housing. What are you going to do in order to continue to grow the university, I guess would be my question.

MS. STRICKLAND: Right. Well, I know that we are very close to capacity with the on-campus housing. I know that there's always, you know, looking for additional land to purchase and additional things that can be -- I mean, there's still a few buildings that are probably pretty old and could be reworked and that sort of thing.

We've also got this relationship now with the University Center in Greenville, which is a potential way of increasing enrollment without having the extra strain of more students physically being on campus. And I do think there's still a desire to continue to grow, but I do think -- not that we, like, have some hard line; we have to stop at this many students.

But, I mean, I don't think it would make -- anybody would expect that Lander's going to, you know, add another thousand, 2,000 students, at

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least in the near future without some real, you know, growth of actual buildings and that sort of thing.

REPRESENTATIVE CLARY: So have -- from the answer to that question, have -- has Lander basically maxed out on campus in so far as what you see for the future? Because, you know, where I come from, they just throw up apartments. And we put beds in those heads and keep pumping them into the institution.

What's the answer for Lander to -- if you're not going to continue to grow on campus?

MS. STRICKLAND: Right.

REPRESENTATIVE CLARY: I know the online or the University Center is a possibility. But tell me about that.

MS. STRICKLAND: Right. And I think that the other thing that we've recognized in addition to -- you know, and you have to remember, too, lots of students, as they, you know, get sophomore, junior, senior, they end up moving off campus.

But as far as on-campus dorms, I know that we're pretty close, at least in the freshman dorms, you know, to being pretty full. I do know that as we've discussed the -- really what the board feels, what everyone feels about how much more growth there should be, there's definitely been healthy discussion about, obviously, you need the beds to put them in, but you need the professors to teach them.

I know that it's very important to this board, and I think important to our president, and I'm sure important to the students and parents, that Lander maintains that -- you know, part of the reason people go there this nice teacher to -- professor-to-student ratio. And I know we've got - - my understanding is most, or if not all, of our professor positions are filled.

But I think, you know, we would have to not only physically put another building or continue to do that, but we would have to grow with the professors because we don't want to suddenly have 20, 25-student classes become 50-student classes. At least not for -- there are a few subjects that's okay in, but for the most part, that's something that Lander definitely prides itself on.

And it's tough. In Greenwood, my understanding, where Lander's located, there's not just tons of land that they could throw a building up on. And I know it's very important to the university -- when I went there, my sophomore year, I lived in what was called Greenwood High Apartments, and it was about 2 miles from campus. I thought that was very cool back then that I got to go all the way off campus. But especially for your freshmen, you want them to be right there, and there's not a lot

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of physical room because we want to keep green space. We want to keep all of that.

And then right around Lander is -- people live there. There are houses, you know, residences and that sort of thing. And I know that when things become available, that gets brought before the board that, Look, here's this little house, this little piece, that we could get that land, potentially tear that house down or whatever it is, and build there. So I know that we're always on the lookout for that.

REPRESENTATIVE CLARY: My last question. What is the ratio of in-state to out-of-state students at Lander?

MS. STRICKLAND: I think it is -- gosh, I don't know if I have that number.

REPRESENTATIVE CLARY: If you don't know, that's okay.

MS. STRICKLAND: Yeah, I don't --

REPRESENTATIVE CLARY: I'm sure somebody else is back there --

MS. STRICKLAND: Somebody will --

REPRESENTATIVE CLARY: -- that's coming behind you --

MS. STRICKLAND: Well, they -- one of them can get it, yeah.

REPRESENTATIVE CLARY: -- that will get that number.

MS. STRICKLAND: So we can send it.

What is it?

MR. PRUITT: Ninety-two.

MS. STRICKLAND: Ninety-two?

MS. DOLNY: Out-of-state.

MS. STRICKLAND: Yeah, 92 out-of-state.

MR. PRUITT: No, in-state.

MS. STRICKLAND: In-state.

MS. DOLNY: In-state.

MS. STRICKLAND: Ninety-two in-state. I was about to say, 92 percent in-state.

REPRESENTATIVE CLARY: All right.

MS. STRICKLAND: I thought it was pretty high, in-state to out-of-state, yeah.

REPRESENTATIVE CLARY: Thank you, ma'am.

MS. STRICKLAND: Uh-huh.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR SCOTT: Yeah, I have a question.

CHAIRMAN SENATOR PEELER: Senator Scott?

SENATOR SCOTT: Thank you.

Thank you, Ms. Strickland, for your willingness to serve. Which committee or committees do you serve on at Lander?

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MS. STRICKLAND: I -- sorry. I am on the committee for -- academic affairs committee is the one, so all the planning of the majors and that sort of things.

SENATOR SCOTT: What's your greatest accomplishment in that four years since you're a former Lander student? Now you're back on the board -- probably one of the younger members of the board.

Probably be one of the persons to be there for a long time.

Looking at the future growth of Lander, as you remain on the board. So what's your vision, your greatest accomplishment --

MS. STRICKLAND: Sure, sure.

SENATOR SCOTT: -- direction you think it needs to go in? You've got an excellent president up there who's doing a lot of great work.

MS. STRICKLAND: I agree. I think we have an excellent president. I think we -- and we've got great vice presidents there, professors. For me, I was a scholarship student and really would have racked up, I don't want to think how many loans if I wasn't.

One thing that I'm very focused on and have been very focused on is just to make sure that students who are in a situation similar to I was in, the sort of similar socio-economic background, are able to go to college and go to a good college. And especially from a small town, I wanted to go to a smaller college too.

SENATOR SCOTT: Right.

MS. STRICKLAND: So I like the fact that Lander is the size it is. I have loved the growth we've had these last few years, but again, I wouldn't want us to go from 3,000 students to 6,000, you know, for example. I think that we're at a really healthy size and with a little more potential.

But it's very important to me and my vision just that we give access to those types of students. My husband and I personally fund a few scholarships, and one of the big criteria for the one that I -- is sort of in my name is that it goes to somebody from, you know, a 1A high school.

SENATOR SCOTT: Right.

MS. STRICKLAND: Very small town. If I can get a first-generation college student, that's, you know, the thing that I push for with mine. My husband's is geared towards international athletes.

SENATOR SCOTT: All right.

MS. STRICKLAND: Because he couldn't have gone to school here if he didn't have a full scholarship.

SENATOR SCOTT: All right.

MS. STRICKLAND: So, you know, just getting access to those types of students, you know, that just otherwise would either get lost at a big school or just wouldn't be able to swing the expenses of it. And

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Greenwood, luckily, cost of living is good there, too, so students are able to not, you know, just have enough money to just barely eat and go to school. They can actually, you know, have a fulfilled college life there.

So all of that's very important. Academics is extremely important to me that that stays strong. And Lander's just, you know, going gangbusters with a lot of their programs. And I was a poli-sci major, and they -- some of the speakers they've had come in and, you know, different things like that is just wonderful. That's part of the reason I really like being on academic affairs is to sort of see, you know, what the potential is.

And one of the big focuses has been to make sure that these kids, these students, come out with degrees that are marketable, that they can go to work with. I mean, I came out with a poli-sci degree, but I knew I was going to law school. But frankly, if I'd have known you didn't need a poli-sci degree, I'd have gotten a math degree or, you know.

SENATOR SCOTT: Right.

MS. STRICKLAND: I mean, I do products liability, so I do physics and math all the time. I would have something different had I known, but -- and not that there's not value in a poli-sci degree, but there are some more, you know, very marketable, practical degrees that we have started getting at Lander, different, you know, emphases on different degrees to make sure that these students -- and their parents. It's important to the parents that the kids come out and they are able to find work.

So all of that -- that's a lot of different things, but that's the stuff --

SENATOR SCOTT: That's good thought. That's good thought. You've got a pretty good idea --

MS. STRICKLAND: Yeah.

SENATOR SCOTT: -- pretty good scope of what you want to do.

I see you clerked for a good judge.

MS. STRICKLAND: Yes. Oh, yeah, Judge Lee, yeah.

SENATOR SCOTT: Yeah, and some good value. Thank you so much.

MS. STRICKLAND: No problem.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Vice Chairman Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Welcome, Ms. Strickland. I've just got kind of a personal question for you. What initially attracted you to attend Lander as an undergraduate?

MS. STRICKLAND: Sure. So whenever I was looking at schools, I was lucky enough to have good, good test scores and good grades, and actually was like a -- in your junior year, but you become a fellow for

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certain schools if you meet certain criteria. So then you start getting information about the schools.

It was really between there and Furman for me, and I knew some people who went to Lander and had really good experiences. And ultimately, what helped me get to Lander was the ability to have a good financial aid package. You know, I wanted to go there, but when it came down between the two, I wanted to go somewhere that was small, that I felt comfortable when I went on campus, which I did when I went for a tour, but that also -- I was lucky enough to get a full scholarship.

I only got full tuition to Furman and would have spent \$10,000 a year to go there. And to me, it was more important to try to come out debt-free at the end of that, knowing I was going to law school.

So when I went to visit Lander, I just really took to it. The professor that I -- knew I was going to be a poli-sci major, and the head of that department at the time, I just really connected with and just wanted to go somewhere that was smart for me to go to but that also -- you know, I was comfortable with the size. I didn't want to go to a big school. I graduated with 60 kids, so I didn't want to go to a school where I'd be lost, you know?

REPRESENTATIVE WHITMIRE: I really appreciate schools like Lander and Francis Marion that look after our own first. I've got a real problem with so many out-of-staters coming in who, once they graduate, they turn around and go back out of state.

MS. STRICKLAND: Absolutely.

REPRESENTATIVE WHITMIRE: And I just want to thank you and your fellow board members and even Representative Taylor, former colleague, good friend.

MS. STRICKLAND: Yeah.

REPRESENTATIVE WHITMIRE: But thank you so much --

MS. STRICKLAND: Yeah.

REPRESENTATIVE WHITMIRE: -- for what you're doing for our state.

MS. STRICKLAND: Sure.

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion is a favorable report. Is there a second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor of a favorable report, raise your right hand.

Thank you.

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REPRESENTATIVE CLARY: I also have Representative Davis's proxy.

CHAIRMAN SENATOR PEELER: Representative Clary has Representative Davis's proxy, and I'm sure that Representative King votes aye also.

SENATOR VERDIN: I think he just stepped out.

CHAIRMAN SENATOR PEELER: Unanimous.

Thank you so very much.

MS. STRICKLAND: Thank you.

CHAIRMAN SENATOR PEELER: Next, 3rd Congressional District, Seat 3, Linda Dolny, Clinton.

MS. CASTO: Mr. Chairman, there is a three-page addendum to the -- that did not get copied that is beside the notebook on Ms. Dolny.

CHAIRMAN SENATOR PEELER: Good morning.

MS. DOLNY: Good morning.

CHAIRMAN SENATOR PEELER: Would you give us -- well, for a start, good afternoon.

MS. DOLNY: You threw me for a loop there with that.

CHAIRMAN SENATOR PEELER: It's Monday. It's Monday.

MS. DOLNY: It is Monday.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. DOLNY: Linda Latham Dolny.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. DOLNY: Yes, I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. DOLNY: Angela did a beautiful job. Thank you, Angela.

CHAIRMAN SENATOR PEELER: She really did.

MS. DOLNY: She's a hard act to follow. But I guess, first of all, I would like to thank you for your service. I've been here several times, and I am thankful for all you do for the state, as well, all of you, because higher education is a passion for me.

I'm also thankful that I've been on the Lander board because I've been blessed to watch it grow from what it was prior to 2015 to what it is today. And I love the energy. I love walking on campus now and seeing the students and how they response to the current administration versus what it was at one time. And I love learning and hearing that Lander is

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perceived much better, not only by the state, but by the parents of the students and the students.

CHAIRMAN SENATOR PEELER: Okay. Questions or comments from anybody?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Ms. Dolny, for your service. I'm trying to determine how long you have been a board member.

MS. DOLNY: Since 2008, I believe.

REPRESENTATIVE CLARY: And in response to questions, there was a question regarding, should students and faculty be represented on the board, and you said no to student; faculty currently attends the board meeting. Do students -- do you have any student attendance at the board meetings, such as student body president, anything like that.

MS. DOLNY: Not routinely. We have had students at the meeting, but they come at special invitation.

REPRESENTATIVE CLARY: Okay. And in so far as Lander's attraction of students, I know you had pretty substantial growth over the last three to five years. And I think you say now you're at 3,200-plus students. Does Lander have any sort of a ceiling that you're targeting in so far as growth is concerned at this time?

MS. DOLNY: Probably not as far as growth because I think that what we're thinking -- and we will be beginning to discuss strategy at our next meeting, and this will be part of it. But what we're thinking at this point is that most of the growth needs to be in different things. It needs to be online. It needs to be graduate level. It needs to be at places like the Greenville center. And that's where I think the bulk of our future growth will be.

One of Lander's drawing cards is its size for students who are living on campus. I'm very proud of the fact that our students feel like they get personal attention and that our faculty feels like that when they have an issue and they have a concern, they'll either go up through the faculty senate or, if they know me personally, they'll call and say, I need some money. How do I get it?

And I, you know -- and so they get vested in these students, and I think size is a factor of that. It's hard to be vested if you've got 600 students in a class or 200 or whatever.

REPRESENTATIVE CLARY: Thank you, ma'am.

MS. DOLNY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Anyone else? By the committee?

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SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion is favorable. Do you have a question, Senator from Laurens?

SENATOR VERDIN: Well --

SENATOR SCOTT: I withdraw it.

SENATOR VERDIN: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Ms. Dolny, I'm sleeping over here. I'm just now getting zeroed in on you as my constituent.

MS. DOLNY: Yes.

SENATOR VERDIN: And --

MS. DOLNY: And by the way, your wife is my constituent because I love to shop with her.

SENATOR VERDIN: Well, bless you.

MS. DOLNY: She has the neatest store.

SENATOR VERDIN: Well, I tell people all the time, if you don't have any use for me, please have mercy on my wife and children. And I tell everyone that Kim totes my load all over the place.

MS. DOLNY: Well, I don't know about that, but she certainly helps me, so thank you.

SENATOR VERDIN: Well, I appreciate your service, and I was just -- so I -- so you have the Tudor right across the street from Whiteford's and the ARP church.

MS. DOLNY: Yes. Yes.

SENATOR VERDIN: Well, I'm zeroed in on you now.

MS. DOLNY: Oh. I'm not sure that's good.

SENATOR VERDIN: Move favorable.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: I can tell you've got a great sense of humor, and I've got to ask you, you worked at Miller Brewing Company --

MS. DOLNY: Yes.

CHAIRMAN SENATOR PEELER: -- and then went to seminary, or went to seminary and then went to work for the brewing company? You don't have to answer me.

MS. DOLNY: I don't mind answering it. If you go to seminary, you understand the importance of beer to the students, I can tell you that.

CHAIRMAN SENATOR PEELER: Favorable report. All in favor, raise your right hand, including the proxy.

Thank you so very much.

MS. DOLNY: Yes, sir, thank you.

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CHAIRMAN SENATOR PEELER: You've made my day.

I want to apologize. I have some new glasses, bifocals, and y'all look like you're moving when you're sitting still.

4th Congressional District, Seat 4. First is Terry Pruitt from Spartanburg.

MR. PRUITT: Good morning.

CHAIRMAN SENATOR PEELER: Good afternoon, sir. For the record, if you would, give us your full name.

MR. PRUITT: Terry O'Neil Pruitt.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. PRUITT: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. PRUITT: Yes, I would. First of all, I do appreciate all that you all do for us. I know your job is not an easy one, and we do appreciate you.

And I would -- am happy to be here.

I'm a proud Lander graduate. I graduated in 1982 from Lander. I am a first-generation college student. My parents were great parents, worked in the mills in Spartanburg County, and as you know, that -- our heritage in Spartanburg County is definitely textiles, and I'm proud of that heritage.

But I graduated from Lander. It's had a tremendous impact on my life. I've since earned my masters and a doctorate and 38 years in education. Both of my children attended Lander. My daughter is a teacher in Spartanburg, and my son is an administrator in Summerville school district. My niece was just named Teacher of the Year in Spartanburg District 2 as a Lander graduate, so it's been a tremendous impact on my family.

And I value the experiences I had at Lander. I could have gone to numerous other colleges at the time. I was accepted to several, and reason I chose Lander is because of some relationships that I had experienced. I was in band in high school. I graduated from Chesnee High School and was in All-State Band, and one of the band directors from Lander conducted the band and invited me to come for a visit at Lander, and that was it. That's where I wanted to go.

So knowing the significant impact it's had on my life, I would like to serve on this board. I think my 38 years in education -- I started out teaching at Bamberg-Ehrhardt High School. I taught there for 13 years, band, chorus, and theater. And then I moved on and was principal at

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Wade Hampton High School in Hampton. I was assistant principal two years, principal for six years, and superintendent the last five years I was in Hampton 1, so 26 years of my 38 years was in the Lowcountry, in Bamberg and Hampton. And I've been in Spartanburg as the chief academic officer now for 12 years.

And there was a reason I came back home. I believe God puts us where He needs us at the time, and since I've been back home, my family needed me there. So I just want to say that that's the reason I'm looking to run for the board because I think Lander can continue to impact students. I value diversity. I've looked at where we are with diversity in our students and faculty at Lander. I'm currently enrolled in the Diversity Leaders Institute at Furman and doing some work on equity and inclusion in our school district. So thank you.

CHAIRMAN SENATOR PEELER: Good. Thank you.

Questions or comments from members?

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you so much.

And thank you, Mr. Pruitt, for your willingness to serve. Tell me, your experience in Hampton County, rural South Carolina, very difficult, very difficult for young children to be able to, for their families to be able to pay for them to go to school, some of the learning problems these kids may have had so they did well on SAT scores as well as getting scholarship, and from that experience, how you can take that experience and help Lander to understand those type of students who may want to come to their school.

MR. PRUITT: Well, as I said --

SENATOR SCOTT: Your school.

MR. PRUITT: Yes, sir. I grew up in Spartanburg County and then went to Lander and then went to Bamberg.

SENATOR SCOTT: Right.

MR. PRUITT: And so being an Upstate student --

SENATOR SCOTT: You went to Bamberg first.

MR. PRUITT: I went to Bamberg first.

SENATOR SCOTT: Oh, yes.

MR. PRUITT: I went to Bamberg-Ehrhardt High School.

SENATOR SCOTT: Right.

MR. PRUITT: And it was a different environment. I will say that my 13 years in Bamberg and my 13 years in Hampton, what I learned is, people make the difference. And in those districts, we had some people who cared a lot about students, but poverty was a real issue.

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At one point, I think, in those districts, it was 75-plus percent poverty level. Our graduation rate was not where we wanted it, and we put some strategies in place. You can have high standards and you can have high expectations -- in fact, if you don't have high expectations and you don't have high standards, you're not helping children of poverty.

You need to have those high expectations, but at the same time, you need to provide them with support, support systems. So we did everything we could to prepare students for what they would need to go to college and also the, the -- you know, one of the biggest deterrents for children, especially first-generations college students, for them not going to college is filling out the financial aid form. That form in itself is so complicated, and not having parents who've ever experienced it is a challenge for those students.

So what we did, and we do this in Spartanburg as well, is, we take those students by the hand. We help them through those kinds of things to get in college and to make sure -- you know, another thing that we've done is, you know, supporting kids and creating those college-going cultures in our schools so that when they get to college, they not only get there and get in, they graduate from college.

So those challenges are numerous. I tell teachers that I work with now -- my role in the school district is to prepare curriculum development and training for teachers and all the academic programs. It's similar to what a dean would do in a college. And in Spartanburg School District 7, I'm working with teachers right now monthly. I have 52 teachers I'm working with, and I stress to them, you never know who is in your classroom.

And I'll give you a good example of that. I taught band, and I started my kids in 5th grade, and I taught them until they graduated in 12th grade. Nikki Haley sat in my beginner band class. She was in my junior band class. I've had students who have gone on and just done some remarkable things over the years, many of them to Lander, which I shepherded them to go there. I thought it was a great fit for children coming from small school districts.

But you need to encourage every child. Every child has a gift and the ability. So I'm passionate about that. I'm passionate about what Lander can do for students in this state. I heard you mention students in-state and out-of-state, and I know we're at about 9 percent for the out-of-state students, and I do think they offer value, especially international students. But we need to use our state universities to impact our population in South Carolina.

SENATOR SCOTT: Thank you, Mr. Chairman.

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CHAIRMAN SENATOR PEELER: Thank you.

Any other questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Dr. Pruitt, and appreciate your willingness to offer to serve in this capacity. When we talk about that serving the people in our state, I agree with that to a certain point, but I also think that there is value when you have other people to come in because when -- if you keep doing the same things over and over again with the same people, you wind up with a result that's not very good.

So in order to attract students from outside the state, how do you do that with a university like Lander? And I'm well familiar with it.

MR. PRUITT: Right.

REPRESENTATIVE CLARY: I'm there a lot. I was there Saturday and very impressed with your homecoming that occurred there. How do you attract people from out-of-state? Because that is one way that you can increase some revenue. And I don't know that it would necessarily detract from the mission that you have in trying to serve the students of our state as well because I think that both can be done. So how do you do that?

MR. PRUITT: Yes, sir. I think you're correct. And they definitely -- I do want you to understand, I do think that students from other places, with diverse backgrounds, international students, et cetera, definitely add value to the -- to the education and the college experience and beyond.

I think-- I've heard folks say that Lander is the best-kept secret in South Carolina. I don't think it needs to be a secret. I think we need to, to promote the university beyond the state, you know, in marketing and that sort of thing: the caliber of the programs that we have, the standards that we set, the success of our students and our graduates.

But also the relationship piece, that if you talk to most folks who are, are graduates of Lander or they have a connection to Lander, it's not only the quality of education. You've heard several people talk about that small setting and environment. That is huge, and the relationships that are formed there at Lander.

So I think a way to do that is create that, that kind of knowledge of Lander beyond South Carolina, that, yes, we are small, but we are -- we are big in a lot of other areas.

REPRESENTATIVE CLARY: You know, it's really interesting. I have a grandson that's been taking courses during his senior year on campus at Lander, and I think that's a fabulous way --

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MR. PRUITT: Yes, sir.

REPRESENTATIVE CLARY: -- to, to get accustomed to the rigors of college because it's much different than, than the technical schools as well as the high school. And that senior year is basically wasted for most students.

MR. PRUITT: Right.

REPRESENTATIVE CLARY: And there's so much remediation that has to be done when they get to college. Is that something that you would envision as a board member in promoting in that local area? Because I think that's a fabulous way to get -- number one, attract kids and expose them to the college campus, and then they also get credit to go away to college.

MR. PRUITT: Yes, sir, they do. I'll just give you -- very quickly, from my experiences, I've been in Spartanburg the last 12 years. We've developed four early college programs. One of them is the Scholars Academy Program at the University of South Carolina Upstate. Students go there, earn at least two years of college credit.

Another one's called the Viking Early College, Spartanburg High School Vikings. That's with the community college, Spartanburg Community College. They earn an associate's degree and their high school diploma in a four-year college transfer program, and we have some of those students who've gone on to Lander.

We've just signed an agreement with Converse College to where we will now have male and female. We're starting with 10 in a cohort next year that will go to Converse their junior and senior year, along with going to high school at Spartanburg High School, specifically as a pipeline to, to help us with recruitment of teachers. That program will be for students who want to be educators.

And then we have worked with what we call the Spartanburg County Early College High School through the community college as well, and those students earn their associates degree in a four-year college transfer program. That's a county-wide program. The others are District 7 programs.

But I definitely think that Lander could have a real presence in their region of our state with programs like that. And what we're finding a lot of times is, these students, they get on those campuses, they do well, that rigor, they, they, they've got accustomed to it, and they stay there for their college careers. Now, many do transfer, but they do stay.

REPRESENTATIVE CLARY: Thank you very much.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

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Anyone else?

(Motion for a favorable report.)

SENATOR SCOTT: Second.

CHAIRMAN SENATOR PEELER: I'm a fan and supporter of Nikki Haley. Did I understand you to tell me that Nikki Haley -- you taught Nikki Haley in band?

MR. PRUITT: I did. She was in band in 5th and 6th grade.

CHAIRMAN SENATOR PEELER: What -- I'm curious. What instrument did she play?

MR. PRUITT: Yeah. One of the funniest things is, I introduced her when she was governor to the Rotary Club in Spartanburg. She played French horn when she first started.

CHAIRMAN SENATOR PEELER: How did you keep her from leading the band? She kept --

MR. PRUITT: And then -- and then she switched to clarinet, but, so. Yeah, she was a leader.

CHAIRMAN SENATOR PEELER: Motion is favorable report. All in favor raise your right hand. Including proxies, it's unanimous.

Thank you, sir.

MR. PRUITT: Thank you.

CHAIRMAN SENATOR PEELER: Next, we have James C. Shubert from Simpsonville.

Good afternoon, sir. For the record, if you would, give us your full name.

MR. SHUBERT: Certainly. James Carl Shubert.

CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. SHUBERT: Absolutely.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. SHUBERT: Certainly. I graduated Lander in 1988, and I was a resident of Greenwood pretty much most of my life. My father was an enlisted naval man who lied about his age at 15 to join the Navy. And we had brief periods out of state, but for the most part, I grew up right there in Greenwood.

I chose Lander University simply because at the time I was going into college, my mother was diagnosed with a mitral valve condition, so I had to stay home and pay for my education. My parents were definitely blue-collar raised, and so as a result of that, I had to pay for everything from day one. And so Lander offered me an outstanding opportunity to be able to do that in the town that I grew up in.

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And it also offered me great opportunities once I got on campus. The best opportunity it gave me is, I met my wife there. She's a Lander alumnus from 1988 as well. We have three children, and they're all either just out of college or about to enter college, and it has been an interesting, probably, five years of traveling around the Southeast and within this state, looking at colleges to see what they offer, see how accommodating and open they are, and as a result, I found out that our state has a lot more to offer, probably, than we are going out and actually telling people about.

And so as I stack up what they're telling me against my education at Lander, I can tell you that it definitely prepared me well. And so for the past 30 years, I've been a businessman, selling medical devices in a critical care CVOR suite, as well as having a small LLC that did some real estate and building.

And so State of South Carolina is near and dear to me, so I try to listen to what you guys do on a -- and the ladies do on a daily basis in this state, and I'm proud to be a South Carolinian as a result of it, so I'll take any questions.

CHAIRMAN SENATOR PEELER: I notice on your driving record, it's good. Very seldom do we see a candidate that has zero speeding tickets.

MR. SHUBERT: Said what, now, sir?

CHAIRMAN SENATOR PEELER: Zero speeding tickets. You're to be commended.

REPRESENTATIVE CLARY: He has great cruise control.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Shubert, for your willingness to serve. I know going on these college boards, everybody brings something unique to the table, especially in serving the board. What is that unique thing that you would bring to this board? The business experience is great, but what things would you bring that you think you could really help to improve Lander since you're a young graduate compared to some of the others that we've screened?

MR. SHUBERT: Sure, sure. You know, diversity in experiences on any board are important. I think the things that I, I've found that have made me successful are organizational vision casting, leadership, and certainly, as probably all of fellow candidates here have is a high degree of integrity.

But organizational vision right now, I think, is really, really key when you start guiding or being part of the guidance of any organization. As I

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look at the board, they've done an outstanding job the last few years with growth. Obviously, recruitment in-state is up. When you look at how they've handled budgetary and cost controls; I mean, freezing tuition so more kids can get an affordable education at Lander for the past four years, those are all outstanding things.

But now, you know, as with anything, times certainly change regularly. And so as I look at what's happening across our nation and across our state, we have to be prepared that when our, our, our folks get out of college, they're prepared. I wasn't, you know, an educator, or I haven't been in any sort of governmental office. I've just basically hired people. And so as a result of hiring them, I see what they need to be prepared to get the job done.

So I think that's going to bring a unique position.

SENATOR SCOTT: In looking at the region of the state in which you grew up in as well as where you live now, most of the colleges are moving toward recruiting students on a regional concept. Tell me how you would actually tie into that.

And you mentioned something that was -- that I think was really outstanding. Once they graduate, to be able to keep these students at home, tell me about your ideology in terms of how you can actually make that work.

Because trying to keep teachers in rural communities and business people, that's a chore within itself. And so since you're in business community and you do a lot of hiring, tell me what you see that we probably need to change so those students will stay. And the -- if you, you know --

MR. SHUBERT: Right.

SENATOR SCOTT: And if you're on that board, some things you'll be working to try to make sure that actually happens.

MR. SHUBERT: Right. Several folks have mentioned the fact that the school is getting close to capacity with facilities; haven't built a lot of facilities recently. You look at dormitories, and they're getting close to, you know, capacity.

So maybe we start looking at private-public partnerships within, you know, the city of Greenwood to try to help alleviate the housing concern if there's going to be continued growth with what Lander offers. So I think public-private is a good way to start.

SENATOR SCOTT: My last question. What about your local Chamber of Commerce, your business groups that are there? Do you have those relationships to help those kids get those jobs since that's one of things

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you mentioned that you want to accomplish with those young people and what you do on a daily basis --

MR. SHUBERT: Right.

SENATOR SCOTT: -- recruiting and hiring people? Do you have those kind of relationships in the community?

MR. SHUBERT: Right. So part of what I've done personally -- it's just something I do personally -- is, I mentor a lot of college-age, junior and senior folks on what skills they need to have when they graduate.

And so what I do is, I try to put people together to get that done. A lot of times, within -- as any industry works -- 30 years of contacts, you start putting people together. And so I kind of work as a mentor, an instructor, a teacher, a confidant to help these kids, you know, get where they want to get.

Sometimes, it's in the nursing arena. Sometimes, it's in the sales arena like I do. I've had a couple, you know, a couple of them within real estate. And so it's really just networking. It's teaching these kids how to do it.

And it's amazing to sit with a senior in college and have a conversation with them and see how well they communicate. And quite frankly, you can get, from different colleges, the level of communication skills that they have based on the school they came from.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Clary.

REPRESENTATIVE CLARY: Mr. Shubert, you mentioned, in response to questions that have been submitted to you, the ways to improve Lander is through visibility, and then you mention that Lander biggest weakness is, needs better visibility. Then, when you talk about ways to attract students, that the Honors College is the best-kept secret, the unique characteristics.

How would you go about capturing these strong points that Lander has and then communicating them to the families and students that you're trying to reach?

MR. SHUBERT: Yeah, that's a -- that's truly a multi-layered question because -- a personal example is, I have a daughter that wanted a Christian education that went to Anderson University. I have a son currently who's a first sergeant at The Citadel. And then finally, I have a senior in high school that visited probably about 10 colleges to the point I finally had to say, I'm tired of driving around the Southeast. And so -- and she's chose the University of South Carolina because she wanted a

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big, you know, football school experience, although lately, we haven't been playing good football.

But nonetheless, I mean, when you look at the three of them, it's very, very, you know, diverse.

CHAIRMAN SENATOR PEELER: You did not take her to Clemson.

MR. SHUBERT: Huh?

CHAIRMAN SENATOR PEELER: You didn't take her to Clemson?

MR. SHUBERT: She's going to South Carolina, the University of South Carolina.

CHAIRMAN SENATOR PEELER: I thought you said you wanted a good football school.

MR. SHUBERT: Following up with, we haven't been doing that well lately.

CHAIRMAN SENATOR PEELER: Sorry about that; not really.

MR. SHUBERT: I live in the Upstate, so I know what it's like, trust me.

But anyway, kind of looking at it, I -- you know, in listening to folks, the thing that I noticed good schools did, they branded their school well. They branded their academic program that they could hang their hat on extremely well. And when we went -- we went and sat with different schools, they were able to articulate that.

And then conversely, too, they came to our school, recruiting, and they established that brand and spoke to that brand very clearly.

REPRESENTATIVE CLARY: Well -- and I think that, you know, when I think of Greenwood, I mean, Greenwood is a terrific town.

MR. SHUBERT: Super town.

REPRESENTATIVE CLARY: It has a lot going for it. The biggest problem that it has is, it's geographically impaired. That's the way I always refer to it because it's just hard to get there.

MR. SHUBERT: Sure.

REPRESENTATIVE CLARY: No matter where you come from. And I think that is probably the challenge in attracting students and getting that word out because Lander really is a terrific school, and I think you have a lot to be proud of there, and the quality of your -- the people that I've seen on the board is exceptional. And once again, thank you very much.

MR. SHUBERT: Oh, you're welcome.

REPRESENTATIVE CLARY: -- for offering.

MR. SHUBERT: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

(Motion for a favorable report.)

(Motion is seconded.)

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CHAIRMAN SENATOR PEELER: The motion is favorable and seconded. Any other discussion? If not, we'll take it to a vote. All in favor, raise your right hand.

REPRESENTATIVE WHITMIRE: Twice.

CHAIRMAN SENATOR PEELER: Unanimous, including the proxies. Thank you sir. Appreciate your willingness to serve.

MR. SHUBERT: Thank you for your time.

CHAIRMAN SENATOR PEELER: Next, 5th Congressional District, Seat 5, Anne Walker, Sumter.

Good afternoon, ma'am.

MS. WALKER: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. WALKER: Sabrina Anne Walker.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. WALKER: I do. I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. WALKER: Yes, sir. First of all, I am proud of the fact that my -- you know, in the South, we say "daddy." We don't say "dad." But my daddy was a Citadel graduate, and I've always been proud of that. And my mother was a Lander graduate. I was very proud of that.

So I come from a long line -- we used to be called, believe it or not, Lander Lilies when it was all girls, but now we're the Lander Bearcats, and that's a wonderful thing too.

So I'm very proud of that, and I have three brothers. None of them applied to The Citadel. I applied to one school when I was in high school my senior year, and that was Lander because my mother went to Lander, and, of course, that's where I wanted to go.

And love Lander. I love what it's about. I have been a board member for a number of years. In fact, my -- I tell people my 40th birthday was yesterday. I'm telling a little lie there, but that's kind of where my energy level is right now, so that's a good thing.

And so I welcome the opportunity to continue serving, and I also want to thank all of you for your service because you spend a lot of time for our state, and I appreciate that.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

REPRESENTATIVE WHITMIRE: (Raises hand.)

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CHAIRMAN SENATOR PEELER: Vice Chairman Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Just curious. Austin Wilkes Society; tell me what they do.

MS. WALKER: We work with adult and youth offenders, former offenders, homeless veterans, and children at risk.

REPRESENTATIVE WHITMIRE: Excellent.

MS. WALKER: We were started in 1962 by Rev. Eli Alston Wilkes. And a former member of the House, Parker Evatt, was the first executive director, from '66 till '87. '87, Carroll Campbell named him the Commissioner of Corrections. That's when I had the opportunity to come back to the agency as executive director.

REPRESENTATIVE WHITMIRE: Is there an end goal for these young people that you try to --

MS. WALKER: An end goal? Absolutely. The end goal for everybody we deal with, adults and children, is that they become tax-paying citizens that are responsible tax-paying citizens.

REPRESENTATIVE WHITMIRE: Excellent. Well, thank you for doing that.

MS. WALKER: Yes, sir. Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

(Motion for a favorable report.)

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: The motion is favorable and seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous, including the proxies.

Thank you so very much.

MS. WALKER: Thank you. Thank you.

CHAIRMAN SENATOR PEELER: Next, 6th Congressional District, Seat 6, Robert Sabalis, Orangeburg. Good afternoon, sir.

MR. SABALIS: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. SABALIS: My name is Robert Francis Sabalis.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. SABALIS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. SABALIS: Please. This is my third time appearing before the commission. I thank you for the rigorous process that you go through. I

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also thank, as I told Ms. Price earlier today, that the Novocain from my dental appointment has finally worn off so I don't embarrass myself.

I've served on the board for five years. My first term was one year. I took over the position that was held by a veterinarian in Orangeburg who unexpectedly died of cancer. I then have served a full four-year term, so this is my third attempt.

When I joined the board, I wasn't that knowledgeable about Lander. Friends of mine who had served on the board asked me to consider service. I met with the president, and I met with Adam Taylor. I visited the campus and was extremely impressed. It's in line -- its educational program is in line with my education and what I think is important for today's students.

CHAIRMAN SENATOR PEELER: Question?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much for being here and for your service. You mentioned ways to improve Lander: increase retention after freshman year and improve graduation rates. Tell me what your retention rate is after the freshman year and then what your graduation rates are.

MR. SABALIS: It's between 66 and 68 percent, which is slightly lower than the national retention rate, which is in the high 60s, and slightly about the in-state retention rate, which I believe is about 64 percent.

The graduation rate in four years is about 43 percent, which is right about the national average.

REPRESENTATIVE CLARY: You say that's for four years?

MR. SABALIS: Yes.

REPRESENTATIVE CLARY: Of course --

MR. SABALIS: It goes up a little bit for six years.

REPRESENTATIVE CLARY: Yeah, and, you know, if you stay around here very long, you realize that they talk about a six-year cycle, so you say it's up a little bit for the six years?

MR. SABALIS: It is. It is. But that number does not include the students who have transferred from Lander to other schools, which, over the course of four years, can be between two and three hundred students.

REPRESENTATIVE CLARY: All right. Thank you very much.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

(Motion for a favorable report.)

(Motion is seconded.)

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CHAIRMAN SENATOR PEELER: Favorable, seconded. Discussion? Hearing none, all in favor, raise your right hand. Unanimous. Thank you, sir.

MR. SABALIS: Thank you very much.

CHAIRMAN SENATOR PEELER: Appreciate your service.

Next, 7th Congressional District, Seat 7, Catherine Lee from Florence.

MS. LEE: Hello.

CHAIRMAN SENATOR PEELER: Good afternoon.

MS. LEE: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. LEE: My name is Catherine Kunkle Lee.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. LEE: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. LEE: A little bit, if that's all right. So I am a single mom of two wonderful children. And one is a junior in high school, and one is a junior in college at Wofford. And I am a first-generation student myself. I went -- grew up in a family that did not have college and, in some cases, high school degrees in their backgrounds. So college is a blessing that I think that I have a responsibility to help in that regard.

A little bit about just how I step to this role. My undergraduate is from Francis Marion University because I do live in Florence, and I was very active in the Alumni Association and president of the Alumni Association. And shortly after that time, Frank Carter called me in 2008 and said that our person from the 7th Congressional District who was -- I don't know if you know Tom Kinard, who recently passed away.

Tom was taken sick, and so I stepped in his role with Lander University in 2008. And I would describe Lander University from 2008 until 2015 as operating well, but operating in a very, probably reactive way. And what I mean by that is, whatever was happening out there in the world, we would imitate and do, and we were a very cautious and well-operating organization, generally speaking.

But in 2015, I think we really changed. In 2015, we became proactive, and we became strategic. And I'm excited to be part of it. We started by choosing to hold tuition and hold ourselves accountable to the costs associated with that tuition hold. That was -- that was bold.

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Then, we moved to program evaluation, cutting things that shouldn't happen, that we were overinvesting in, so that we can invest in other things.

Then, we moved to a mindset of inclusivity so that we can have our staff senate come about and include students more often in things.

Recently, we're in what I call the policy era. We're all about making sure that we're governing appropriately, and that, I'm really excited about, too, because I'm as bit of a nerd.

And then finally, I'm excited that we're moving to online. And let me tell you my quick story. I decided to pursue my doctorate. I actually started toward ministry and ended up doing a doctorate with Liberty University so that it is a Christian world view but on leadership and strategy.

I used to have a very negative view of the online experience. And out of sheer necessity, I am now a participant in it and probably the biggest proponent of it. I'm very excited that Lander is moving toward that.

So there's my quick rundown.

CHAIRMAN SENATOR PEELER: Good.

Questions, comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Ms. Lee. One thing that you mentioned, you talk about governing appropriately.

MS. LEE: Yes.

REPRESENTATIVE CLARY: How about expanding on that a little bit.

MS. LEE: Sure.

REPRESENTATIVE CLARY: Because I think that's something that's very important now, in so far as our boards of trustees --

MS. LEE: Absolutely.

REPRESENTATIVE CLARY: -- et cetera around the state are considering exactly what their role is and what it should be. So how about elaborating on that for me.

MS. LEE: Yes. That's something I'm really passionate about. In my current -- I work with McLeod Health in Florence, and I started out as the chief of staff to our president, and I'm now doing our strategy, and I do our board relations as well.

It is so important that a governing body understand that they are not the operating body, number one. Number two, it is extremely important that a governing body not be, as you described earlier, a rubber stamp. And moving to the level of governance means taking respons -- excuse me -- not responsibility; accountability. They are two different things.

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Accountability means being aware of what's going on, asking questions, asking hard questions, but also assuring that those policies are in place so that we have the ability to not be reliant on the whims of individuals. And I think every organization should revisit those things on a regular basis.

REPRESENTATIVE CLARY: In your role at Lander, how do you -- how do you make sure that that is effectuated?

MS. LEE: Absolutely. Well, first of all, we're responsible to be able to be aware of everything that we're reading. We should read what we receive. We should ask a lot of questions. I had the unique time to be responsible for our fundraising and our development component during a time when we needed to ask a lot of questions about how we were approaching our development.

And so those are ways that I brought to the table, not just a curiosity, but a sense of accountability.

REPRESENTATIVE CLARY: And tell me, how long have you served on the Lander board?

MS. LEE: Since 2008. In fact, Linda Dolny and I came on together, and we sat together in the same room and received our orientation. That's when I met her.

REPRESENTATIVE CLARY: Thank you very much.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Ms. Lee, for your willingness to serve. What has been your greatest accomplishment in your 12 years? I know that you've got a broad array of experiences, from healthcare to management. What's been your greatest -- your greatest accomplishment at Lander since you've been there?

MS. LEE: Oh, okay. At Lander, or --

SENATOR SCOTT: At Lander. I'm -- not the world, but it's just Lander.

MS. LEE: Oh, so with Lander, yes.

SENATOR SCOTT: With Lander.

MS. LEE: Well, I was going -- heading down the route with my kids now.

SENATOR SCOTT: No, please don't. Don't do that. Don't do that. Just at Lander. You've had a chance to look at how this thing works.

MS. LEE: Absolutely. Well, I referenced it, actually. I think my greatest accomplishment at Lander was stepping in with a certain level of -- not being afraid to question things when we started to have a lot of questions

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about how our -- one of our current leaders was functioning with, with, with our foundation.

And I didn't know much about foundations, except that we have one at McLeod.

SENATOR SCOTT: Right.

MS. LEE: And so I learned from that what I could, and that helped me become a better leader of that committee. That's what I -- I think that's my best --

SENATOR SCOTT: So giving the college some real financial stability.

MS. LEE: Absolutely. Now, I am not a financial wizard. Anyone would know that if they paid close attention to me. But the idea of asking the right questions without getting into the weeds, I think, governing -- taking my responsibility in that role appropriately is something that I felt like not only I brought to the table, but it takes a certain amount of not being afraid to do the right thing.

SENATOR SCOTT: You mentioned your fundraising ability. Tell me, how did that go?

MS. LEE: Oh, I'm a terrible fundraiser too. I'm really bad at asking for money. I'll give you anything, but I can't ask for it. In my role, what I mean by that is, as we were looking at -- I going to just say it quite clearly. We did not have the best expertise running our foundation, and we finally were able to learn that by asking questions and had to move to greater expertise. That, I take great pride in being involved in.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else? Desire of the committee?

(Motion for a favorable report.)

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Favorable. Any discussion? Hearing none, we'll take it to a vote. All in favor raise your right hand. Unanimous. Thank you so very much.

MEDICAL UNIVERSITY OF SOUTH CAROLINA

CHAIRMAN SENATOR PEELER: Now the 1st Congressional District, nonmedical seat, Michael Stavrinakis from Charleston.

REPRESENTATIVE CLARY: This could take a while.

CHAIRMAN SENATOR PEELER: Yeah.

MR. STAVRINAKIS: Good morning.

CHAIRMAN SENATOR PEELER: Good morning, sir. For your full name, what's your -- for the record, give us your full name.

MR. STAVRINAKIS: Michael Emanuel Stavrinakis.

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CHAIRMAN SENATOR PEELER: Good. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. STAVRINAKIS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement, sir?

MR. STAVRINAKIS: Yes, sir. I'd like to, like other fellow board members, thank you for the honor to serve. It is a great institution in South Carolina, and it's a challenge that I don't take lightly. And thank you for allowing me to be your trustee on the board of the Medical University.

CHAIRMAN SENATOR PEELER: Questions, comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, again, for your willingness to serve.

MR. STAVRINAKIS: Yes, sir.

SENATOR SCOTT: Tell me a little bit about the expansion. I know -- I think five, six -- four or five years ago, y'all bought some hospitals in some underserved areas, which I think was just great.

Is the hospital looking to continue that expansion? And I know I use - always use 95 as a connector for Charleston, up 95 for the coverage area, but I think y'all have leaped way over that in Marion with some of the hospitals.

What's the thought process on the board, without giving up any of your top secrets that y'all are going to be sharing soon? Where are you headed, especially with those counties -- I think it might be five or six counties now that's underserved, and we're looking at how we make sure all those counties are actually covered.

MR. STAVRINAKIS: That is the exact purpose, Senator, is to help the underserved communities --

SENATOR SCOTT: Right.

MR. STAVRINAKIS: -- either through a brick-and-mortar facility or through telemedicine.

And I think another key initiative is our Healthy Youth South Carolina, where we're going into rural South Carolina, but not -- with telemedicine, but also nutritional education, helping people learn how to keep themselves healthier to prevent having to have hospital stays and severe diseases.

SENATOR SCOTT: I will tell you that, from the Senate side, we are committed to broadband, really committed, because we know what that will actually do to help --

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MR. STAVRINAKIS: Yes, sir.

SENATOR SCOTT: -- in the hospital setting. We have got a bill already in the Senate, and most of these senators are on that bill. And so we're hoping we'll get something done that will help you with your telemedicine.

MR. STAVRINAKIS: We appreciate it, sir.

SENATOR SCOTT: So thank you so much.

MR. STAVRINAKIS: Telemedicine is the key.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good morning, Mr. Stavrinakis.

MR. STAVRINAKIS: Good morning, sir.

REPRESENTATIVE CLARY: Two issues. The Medical School is around \$60,000 a year. Is that consist -- a fairly consistent number around the country, or is that -- can you give me some information on that as to how we stack up against if not the country, in the Southeast?

MR. STAVRINAKIS: I think we stack up well. We do our best to keep tuition down. We do our best to keep in-state.

I think our student body in the College of Medicine is, I believe, over 70 percent in-state, which is one of the reasons why the number -- or average is a little bit lower, because we -- you know, we have fewer out-of-state, which that tuition's obviously higher.

REPRESENTATIVE CLARY: What would be an out-of-state tuition at the Medical University?

MR. STAVRINAKIS: At MUSC?

REPRESENTATIVE CLARY: Sure.

MR. STAVRINAKIS: College of Medicine, I believe is probably around -- I want to say 80,000, 85-, something like that.

REPRESENTATIVE CLARY: Thank you very much.

MR. STAVRINAKIS: Yes, sir.

SENATOR SCOTT: Just one other question.

CHAIRMAN SENATOR PEELER: Thank you.

Senator Scott has another question.

SENATOR SCOTT: Thank you so much again. I noticed on the application you did mention diversity. Do you want to tell us about your diversity strategy at the college, and I'm sorry you are the only one of the trustees -- I did not get a chance to ask that question.

MR. STAVRINAKIS: That's fine, sir.

SENATOR SCOTT: But you've been there long enough, and so I'm pretty sure --

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MR. STAVRINAKIS: Yes, sir.

SENATOR SCOTT: -- you know exactly what y'all are doing with that.

MR. STAVRINAKIS: And Dr. Cole has initiated a very aggressive diversity inclusion program. I was honored to serve on the original diversity inclusion committee for MUSC as a representative -- as a board member, along with Ms. Johnson-Williams.

We have made leaps and bounds and strides not only in graduating minorities -- we're one of the top in the country for a nontraditional black college -- but also in employment and diversity inclusion education. As a -- system-wide we have 14- or 15,000 employees.

It's a -- it's a big job, and I just can't say enough about the job that Dr. Cole and Anton Gunn has done, and Ms. Williams, in just implementing a carpeted program that just hits on all aspects, and the results just keep getting better and better every month, every board meeting.

SENATOR SCOTT: Okay. I won't ask you to go into any details. I'll get a chance to talk to Dr. Cole when he comes up for the budget process. I'm pretty sure he'll be happy to tell us --

MR. STAVRINAKIS: Absolutely.

SENATOR SCOTT: -- about the strides that y'all are making.

MR. STAVRINAKIS: It's a project that means a lot to him.

SENATOR SCOTT: Thank you so much.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

SENATOR SCOTT: Move favorable.

REPRESENTATIVE WHITMIRE: Second.

CHAIRMAN SENATOR PEELER: The motion is favorable. Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, sir.

MR. STAVRINAKIS: Thank you.

CHAIRMAN SENATOR PEELER: Thank you so much for your willingness to serve.

MR. STAVRINAKIS: Yes, sir. Thank you.

CHAIRMAN SENATOR PEELER: We have members coming in, but if there's no objection, we'll go ahead and get started. I'd like to call the meeting to order. This is the meeting of the College and University Trustee Screening Commission. I'd like to welcome everyone and pray that God continues to bless us all.

We have the agenda before us. Medical University of South Carolina, 2nd Congressional District, nonmedical seat, Mr. William Bingham.

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If you would, come forward, sir. And have a seat, yes, sir, and get comfortable. Is the light burning green?

MR. BINGHAM: Yes, sir.

CHAIRMAN SENATOR PEELER: Good. Good morning, sir.

MR. BINGHAM: Good morning, and thank you, sir.

CHAIRMAN SENATOR PEELER: You've been doing this longer than me, I think, but for the record, if you would, give us your full name.

MR. BINGHAM: My name is William H. Bingham, Sr.

CHAIRMAN SENATOR PEELER: Yes, you are. Let me swear you in, please, sir. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BINGHAM: I do.

CHAIRMAN SENATOR PEELER: Thank you. Would you like to make a brief statement?

MR. BINGHAM: I'd like to thank the commission, the members here, for the services they've given to the state of South Carolina. You do an excellent job, in my opinion, so I want to thank you for that. Thank you for letting me serve for the last 18 years. I've tried to do my best.

CHAIRMAN SENATOR PEELER: Thank you. You've done a great job.

Members, do you have any questions or comments for Mr. Bingham? What's the desire of the committee?

SENATOR ALEXANDER: Let me just ask him one question.

MR. BINGHAM: Okay.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

And thank you for your willingness to continue to serve. What is the - can you expand on what you think is the biggest -- you say weakness, but how about challenge that the Medical University is facing today?

MR. BINGHAM: The university, in my opinion, sir, is facing a great challenge in trying to continue to educate based on all the different hoops that they've got to fall through.

There's a lot of things that go on to educate a medical student in the various fields, and rotation is a problem, with all the private colleges and so forth just opening up and taking on some of this stuff. If we get clinical rotations, we could increase our sizes, I think. That's just my personal thinking, sir.

SENATOR ALEXANDER: Thank you.

REPRESENTATIVE CLARY: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much.

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Good morning, Mr. Bingham.

MR. BINGHAM: Thank you, sir.

REPRESENTATIVE CLARY: And once again, thank you for your service.

But to follow up a little bit on Senator Alexander's question regarding -- regarding MUSC's biggest weakness, challenges, the shortage of clinical rotation sites, would that be improved by the addition of new campuses that -- I see that the Medical University is planning expanding into the Upstate areas and also in the Pee Dee.

MR. BINGHAM: That's one -- one way of doing it, sir, but you have to get accredited to the different hospitals in order to become a teaching hospital --

REPRESENTATIVE CLARY: Yes, sir.

MR. BINGHAM: -- to get the rotations. So that's what we're working on with my fellow board of trustee members. We're trying our best to do that.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

What's the desire of the committee?

SENATOR ALEXANDER: Move favorable report.

REPRESENTATIVE CLARY: Favorable.

CHAIRMAN SENATOR PEELER: Motion is favorable report. Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, Sir.

MR. BINGHAM: Thank you.

CHAIRMAN SENATOR PEELER: We sure appreciate your willingness to continue to serve.

MR. BINGHAM: Thank you, sir. I appreciate it.

REPRESENTATIVE CLARY: Sylleste says there's an accident on I-26, so...

CHAIRMAN SENATOR PEELER: I call the meeting back to order. You have your agenda before us. First is Medical University of South Carolina, 3rd Congressional District, nonmedical seat, under Tab A, Charles Schulze from Greenwood.

Mr. Schulze, if you would, come forward. Make yourself comfortable in that chair.

MR. SCHULZE: Thank you.

CHAIRMAN SENATOR PEELER: And make sure your light's burning green.

MR. SCHULZE: Thank you.

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CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. SCHULZE: Charles Warren Schulze.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. SCHULZE: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. SCHULZE: I would, a brief one. Thank you, Senator.

Good morning. Thank you for the opportunity to be with you today, and thank you for allowing me to share my talents with a great medical university, a huge research engine, and a world-class healthcare enterprise by serving on this board of trustees.

We are now the largest state agency in the state of South Carolina with over 17,000 employees, 3,000 students. The MUSC enterprise operates under a \$3.3-billion budget each year. Our hospital system has over 1,700 beds now, equally spread between Charleston and rural South Carolina. Our physicians number over 800 of the best and brightest in the nation.

We have been ranked as the number one in -- hospital in South Carolina for a number of years and are currently ranked in the top 100 hospitals in the U.S. by two rating bodies. There are currently 1,146 hospitals in the United States, so that puts us in the top two percent of all hospitals in the United States. We see patients from every county, every state in the United States, and from many countries around the world.

We have 14 elected -- excuse me, 16 trustees, 14 elected by you, focused on education, research, and clinical care missions. We do not spend one minute ever talking about hiring a football coach or talking about the next trustee who travels with a football team. Other than receiving the required flu shot every year, we get nothing for free, and contrary to comments, I can't get any of your family, friends, or whoever in med school. It just won't happen.

Every member of our board of trustees spends at least 200 hours a year in their efforts. And I, as chairman, spend roughly 500 hours per year in my role. Each member of our board of trustees, in addition to their normal trustee duties, are assigned tasks each year by me to help assist me in my role and also to make sure they get immersed in a very complicated and complex enterprise.

The educational component, which is one of the smaller parts of our enterprise, requires the least amount of our board time because we have

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such great leadership. Not only is it one of the top freestanding medical -- academic medical centers in the United States, it is now one of the largest NHI research engines in the U.S.

One of our major focuses within the educational component of MUSC over the last ten years has been increasing the diversity of our students. I'm proud to say today that MUSC is currently ranked fifth in the United States, excluding Historically Black Colleges and Universities, in the acceptance of African-American males. We are ranked 90 -- in the 97th pro -- percentile, excuse me, in the U.S. on the number of African-American students we graduate. So there's only 3 percent higher than what we do.

The clinical care component is the most time-consuming part of our efforts. We compete with both nonprofits and for-profit hospitals throughout our state and region for very scarce dollars and shrinking profit margins. Every week, a hospital or two closes here in the United States. The amount of pressure on our scarce resources is huge.

As we see hospitals closing, especially here in South Carolina, we at MUSC see the pressure to do something rise as communities, especially those in rural areas, and members of your bodies turn to us to help minimize these closings. We've been able to mitigate some of these negatives, with your assistance, through our telehealth science, which you helped fund. I can tell you without your support in these efforts, we would not be able to do any of this.

By the way, there are only two telemedicine Centers of Excellence in the United States. MUSC is one of them, and the other one, unfortunately, outranks us in the state of Mississippi. I can tell you that, in my opinion, without MUSC few nonprofit hospitals and not-for-profit hospitals are going to step in and do what we do, mainly because it's part of our mission.

I think that does it, Senator Peeler, and I'm ready for questions.

CHAIRMAN SENATOR PEELER: Thank you, sir.

Questions or comments from members of the committee?

REPRESENTATIVE KING: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

I have a couple of questions for you. You spoke about African Americans and the population that you have with diversity. While I disagree with you that the numbers are high, when I look at the numbers that you have here with -- in the dental school, you have 173 males, 154 females, 19 African Americans. Unacceptable.

MR. SCHULZE: Can I answer that, sir?

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REPRESENTATIVE KING: When I finish.

MR. SCHULZE: Okay. Thank you.

REPRESENTATIVE KING: The medical school, 410 males, 355 females, 90 African Americans. Unacceptable.

And I say that because I know that we can do better in South Carolina. We have 10 percent total African Americans in your system. The population of African Americans in South Carolina ranges from 26 to 30 percent. That should be reflected in all of the schools in South Carolina.

Do you agree?

MR. SCHULZE: Yes, sir, but let me add something.

REPRESENTATIVE KING: No, I'm not finished.

MR. SCHULZE: Okay. I'm sorry.

REPRESENTATIVE KING: Do you have Bridge programs?

MR. SCHULZE: Yes, we do.

REPRESENTATIVE KING: And are your Bridge programs with HBCUs in South Carolina?

MR. SCHULZE: They're open to every institution.

REPRESENTATIVE KING: No, no, no. That's not my question.

Are your -- are you -- do you all -- you're the chair; am I correct?

MR. SCHULZE: I am.

REPRESENTATIVE KING: Okay. So do you have a Bridge program -
- and this is a Bridge program with the HBCUs as we look at trying to increase the number of African Americans in the medical school, dental school, and the professional school that you all offer up under MUSC.

HBCUs, do you have a Bridge program with the HBCUs?

MR. SCHULZE: We do for all colleges and universities in the state of South Carolina.

REPRESENTATIVE KING: I understand that.

My question to you, do you have a Bridge --

CHAIRMAN SENATOR PEELER: Representative King, you're asking him a question again. Let him answer it now.

REPRESENTATIVE KING: I wasn't -- Mr. Chair, with all due respect, I wasn't asking about all the institutions. I was asking about the HBCUs.

Are you aware of which schools are HBCUs in South Carolina?

MR. SCHULZE: Claflin, Allen, Benedict...

REPRESENTATIVE KING: South Carolina State.

MR. SCHULZE: South Carolina State. Yes, sir, we do.

REPRESENTATIVE KING: Thank you.

My next question, and then I -- this is my last one. We have interviewed or screened several members of your board that have come before us. One of the issues that I have is the lack of support for sickle

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cell patients in the state of South Carolina. Recently we lost one of our dear staff members, which we buried on yesterday, from sickle cell. I would ask that you vow with your committee to do more to educate people in the state of South Carolina about sickle cell.

Thank you.

MR. SCHULZE: You do have my support, Representative King, and we do have a great -- particularly in the children's care for sickle cell. It's one of the best programs that we have.

But I want to go back to your question. I understand your concern in the number -- percentages of any race to the total populations. But unfortunately, while we can do a better job, that's not the way it works in the United States right now.

And if you looked at -- and you may not have had time -- the latest Association of American Colleges and Universities, which is the AAMC, the South region of the United States currently ranks the highest in the acceptance of African-American students. It's 9.9 percent. We're a little -- I think we're at 11.7.

The Northeast, 9.3 percent are African Americans. The Midwest is 5.7. The West Coast, those medical schools, both private and public, have about 4.2 percent African-American students.

Is that acceptable? I don't think so. But I just want to make sure that you understand it's a very complex situation. We -- diversity is atop of our focus not only in who we hire, the money we spend, but also with our students.

But I really think it's very difficult because you don't know what the applicant pools are. You don't know what education level people have. It's very difficult to go, well, South Carolina has 30 percent black, 60 percent white, and it should be the same ratio for everything. Maybe theoretically it should, but I think this shows -- it just isn't, but whatever it is, we're near the highest in the United States, and I think those other two rankings support that.

You can't get much higher in the -- than the 80 -- excuse me, the 97th percentile. There's only three percentiles higher. Can we do better? Absolutely. I promise we will. But I want you to know it is a major focus of us. Every meeting, every time we do something, it's a major concern of ours, and we do our best. And I will promise you that.

REPRESENTATIVE KING: Thank you.

MR. SCHULZE: Thank you.

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Mr. Chairman, let me thank you for your service.

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MR. SCHULZE: Thank you.

SENATOR SCOTT: I just want to share some -- I want you to share some of your ideas about rural medicine as we look at -- as I indicated to your president when he first came on, I think in the end there will be five or six hospitals, and that's about it. All the others are probably coming in under mergers.

And looking at underserved communities without having hospital services -- I think we're down maybe about four, and one of the four I think we share between two counties, and I know that y'all have gone into Marion County and some other underserved counties --

MR. SCHULZE: We have.

SENATOR SCOTT: -- and trying to create other relationships with other hospitals, so you may end up being in their region.

But in looking at rural healthcare and rural issues, where is -- which direction are you carrying your board in to deal with those rural issues? I know from Charleston up to 95, I think we may have a couple of hospitals, and that's it, so you've got a large area to cover.

So tell me a little bit about your rural plans that you and the board are looking at carrying the hospital and to make sure we cover some of those that are underserved.

MR. SCHULZE: Thank you, Senator Scott. A great question.

There's two areas that we can be of help. One is where -- those areas where opportunities present themselves either for a purchase, like we did in Marion, Lancaster, Chester, or partnerships or what we're doing in Williamsburg County. They're going to get a new hospital for both of the -- Lake City and Williamsburg, and we're helping them with that.

Those opportunities are not many out there. The biggest one we have to help rural areas, y'all are part of it, and y'all are funding it, and that's in telehealth/telemedicine because it not only gets in doctors' offices, hospitals, but it gets in schools, to some degree in prisons. It gets where we can't get.

And I don't know what the actual statistic is, but nine times out of ten, you know, if you don't have a doc in the box and you can get to a telemedicine, most of the time you can get help doing that without having to go sit in an emergency room or having to go to a doctor's office.

So I don't -- I want y'all to understand, we see it. We know it. What y'all are doing in the area of telehealth is addressing a lot of those needs. It doesn't address everything, but it's -- the impact is tremendous.

SENATOR SCOTT: The broadband, building it -- I'm pretty sure MUSC is keeping up with that and working in conjunction with co-ops and

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cooperatives. It is a bipartisan bill, probably one of the largest bipartisan bills I've seen in the Senate since I've been here.

What would that actually do in promoting telemedicine if we're able to get this done this year so that you -- more planning for telemedicine -

MR. SCHULZE: You're talking about --

SENATOR SCOTT: -- and school broadband? Yeah, just --

MR. SCHULZE: You're talking about getting up to the 5G?

SENATOR SCOTT: Right. What would that actually do? Because we've been looking for a vehicle, and I think the federal government now has some funding out.

But the state having some legislation to actually work with co-ops and others to make this thing work, what would that actually do in -- especially with the rural hospitals that you're talking about, and most of them probably, if they've got anything, it's not very much to work with.

MR. SCHULZE: Well, first of all, it's going to give you better imaging. Imaging is critical in the medical area. The higher level of imaging that we have, whether it's X-rays or whatever, is huge. Secondly, 5G is going to be so fast that the possibilities of going down and having problems communicating are reduced.

But one of the things we've just seen, stroke care, you have a magic window with strokes. Usually, like major trauma, one hour. In that one hour, if they can get you to a hospital and if they can do the imaging they need to do, they can decide whether you get the shot or you don't get the shot. If you need the shot and they can give it to you, that's great. If you don't need the shot and they give it to you, you're dead.

So it does several things. One, it gives them much better imaging. And you say, well, if they're in the ambulance, what's that got to do with it? We're now looking at ambulances having small MRI/CAT scan --

SENATOR SCOTT: Right.

MR. SCHULZE: -- machines. We're looking at that with Siemens and others. Which then will allow them to be on Wi-Fi at 5G. Those images that go back to the emergency room or the nearest trauma center are going to be just as good as what you can get in the hospital, and they can make that decision, whether you're going to get that shot or you shouldn't get that shot.

So those are just several of them, areas, but it's critical. The 5G is -- and it's coming whether we want it or not. It's critical.

SENATOR SCOTT: Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

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Mr. Schulze, the Senator from Laurens, the chairman of the Medical Affairs Committee is here. On the subject -- I think you're having a meeting Thursday about coronavirus with DHEC.

What's the Medical University's relationship with DHEC on situations like the coronavirus? Do y'all work hand in hand? How -- explain to me how that works?

MR. SCHULZE: I don't know the exact answer. I know -- because this is so new in South Carolina at this time, and I heard part of the Governor -- his talk just a little while ago. There are a lot more unknowns than there are knowns.

We're already getting questions. Our infectious disease people are already working on it. I don't know where DHEC stands right now with working with us. But we've always worked with DHEC.

And, really, all the hospitals -- it's not just going to be MUSC and DHEC. It's going to be all the huge hospital systems: Prisma, which are in Laurens County, Self, AnMed, and all. We'll all be working together.

This thing, as I know it -- and I'm not a doctor. I think the mortality rate for flu is about two percent or so. This thing can be as much as four times as high. You have a four times higher chance of dying from this virus than you do from the flu.

So the sooner we can all get together and get testing kits -- which I don't think we have very many in South Carolina. I don't know today if there's been a reported case. I don't think there has been. But it's coming, it's going to be here, and we're willing to work with everybody. And, in fact, we're not going to beat this thing if we don't all work together.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: The first thing is the diagnosis ability, if you look at other states that are starting to see the cases emerge.

But we're looking forward to, certainly, the DHEC presentation. And if we discern or learn of some benefit that the legislature would need more immediately from y'all --

MR. SCHULZE: We're willing.

SENATOR VERDIN: We will facilitate that as well, communication and education on the process.

MR. SCHULZE: Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

Any other questions or comments? What's the desire of the committee?

SENATOR SCOTT: Favorable.

CHAIRMAN SENATOR PEELER: Favorable report.

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SENATOR ALEXANDER: Second.

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you, sir. We sure appreciate your willingness to serve.

MR. SCHULZE: Thank y'all.

And Representative King, I'm going to be working on that. I promise you.

REPRESENTATIVE KING: I expect you to.

MR. SCHULZE: I know you do.

REPRESENTATIVE KING: Especially sickle cell.

MR. SCHULZE: Thank you.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: All right. Let's go ahead and get started. Senator Verdin had to go ahead and leave.

Next, we'll go to Medical University of South Carolina. 4th Congressional District, medical seat, Frederick Butehorn from Spartanburg.

Good afternoon, Doctor.

DR. BUTEHORN: Good afternoon. Thank you.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

DR. BUTEHORN: Is this on?

My full name is Henry Frederick Butehorn III.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. BUTEHORN: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

DR. BUTEHORN: Thank you, Senator Peeler and board members, for having me here. I'm honored to be the newest elected board member on the MUSC board. I was only elected in May. Y'all probably remember me.

REPRESENTATIVE DAVIS: Yeah.

DR. BUTEHORN: So I do appreciate your trust in me the last several months. And being the medical representative for District 4 has been quite an honor, and I hope to continue to do so.

CHAIRMAN SENATOR PEELER: Questions or comments for Dr. Butehorn?

Mr. Clary.

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REPRESENTATIVE CLARY: Thank you, Mr. Chairman. Dr. Butehorn, welcome back, and just in the short time that you have been on the board at the Medical University, tell me a little bit about the training that you have had in becoming a board member. Do they have an organized process, and if so, what is it?

DR. BUTEHORN: Thank you. Yes, they do. And it's more formal when you rotate in on the standard schedule. However, I met with the leadership in all the various colleges, as well as leaders in the hospital.

I stayed down there for an entire day earlier than the board meetings and met with them throughout the day to learn about the projects in their individual colleges and at the hospital to try to familiarize myself with the massive institution that is MUSC. I'm still learning every day, and I continue to learn about the complex nature of MUSC and the hospitals.

REPRESENTATIVE CLARY: Do you know if there's any further training through any national organization? Has that been discussed with you?

DR. BUTEHORN: I'm not aware of that. I'm sure I can ask the folks, and perhaps there is some more training that will be done.

REPRESENTATIVE CLARY: And insofar as your board meetings, we've had a rather lengthy discussion today over the role of the board of trustees in the operation of an institution. How do you view that, and how have you found that thus far at the Medical University?

DR. BUTEHORN: Well, the buck stops with the board of trustees, so we're in charge or approve pretty much every function at the university, so...

The hospital leadership brings and the academic leadership brings their proposals to the Medical -- the board. And then us, as trustees, review those and approve them, and we've been doing that to help the state of South Carolina. Our goals are to improve the health of all South Carolinians, not just those in the Charleston area, so we've been doing that.

REPRESENTATIVE CLARY: And these board decisions, is that something that -- is there a -- do the committees or the chairman of the board -- is -- do they drive the discussion and set the agenda? And do you have to reach a consensus or unanimity in order to get something done? Tell me about that.

DR. BUTEHORN: Well, absolutely, the chairman sets the agenda, and then the different committee chair people do lead the discussion on different events.

And since I am the newest member -- I've come in really late, so I'm not on any of those major committees yet. However, I've been recently

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placed on the MUSC 2025 committee, which is going to be the committee to help determine long-range, five-year plans for the Medical University, so I'm pleased to have been selected for that.

REPRESENTATIVE CLARY: And on decisions that are made, is there disagreement from board members that actually cast votes against policy proposals that are brought before them?

DR. BUTEHORN: Absolutely. There is vigorous discussion on multiple issues. However, in many cases, the board does understand the issues very well, and the vast majority of the decisions are not overly controversial. So most decisions are done by the -- with the full board's support.

REPRESENTATIVE CLARY: So my final question is, from your brief tenure on the board, do you view it as one that is a rubber stamp of the chairman -- committee chairmen's proposals, the administration's proposals, or is there room for disagreement?

And then the second part of that question, just because the chairman of the board feels one way, is he the sole spokesman, or are you allowed to have a voice?

DR. BUTEHORN: Well, the board policy is that the chairman is the spokesman for the board, so if you're talking about with the media and things such as that, the chairman speaks for the board.

We absolutely do have disagreement in the -- I'm sorry. What was the first part of that question?

REPRESENTATIVE CLARY: Is the board merely a rubber stamp?

DR. BUTEHORN: Oh, no. No, definitely not.

REPRESENTATIVE CLARY: Okay. Let me follow up on that, that the chairman is the spokesman, is the only spokesman. Is that board -- is that a board policy?

DR. BUTEHORN: The board policy is that the chairman speaks for the board, and we usually defer to the chairman to speak for the board.

REPRESENTATIVE CLARY: Interesting.

CHAIRMAN SENATOR PEELER: Mr. King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

I just have one question for you. What -- maybe two. Can you tell me what is the -- since you've been there, what have you done to increase the number of or advocate for increasing the number of minorities being accepted into the Medical University of South Carolina?

DR. BUTEHORN: I'm a very strong proponent of that, and that's actually one of the reasons I'm on the committee for MUSC 2025, and diversity inclusion is one of our major pushes.

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Currently, MUSC has approximately 3,000 students, and of those, 26 percent are underrepresented minorities, which pretty much mirrors the state, which is about 27 percent. So I think we need to continue to work towards getting more individuals in all of our colleges, as well as employed at MUSC. Leadership is also important, so we're working on having diversity in all positions, not just students, but also in leadership.

MUSC has been recognized by national organizations as being an excellent place for employment for diversity, as well as it's been recognized as being one of the top schools in the country for graduating specifically African-American males from the medical school, so we're one of the top five in the country for that.

REPRESENTATIVE KING: So I guess -- I just recently found this out with Meharry Medical School, that there are some things called Bridge Programs where the -- they have them with the different universities, colleges, whatever.

But, also, they have a program within the school that allows for students to track into the medical school, meaning they may have already graduated from college, did not do well on the MCAT. But then what they do is, they have an opportunity to come and prove themselves.

Do you all have some type of program like that?

DR. BUTEHORN: Yes. So people can come to MUSC and get other degrees -- for example, master's degrees or do research, et cetera -- to improve their resume. And that's really on a case-by-case basis, depending on what their -- what the challenges are of why they didn't get approved or didn't get in.

So I can speak specifically for the medical school. The medical school admission committee member will meet with the applicant, go over their application. Our goal is to try to educate, especially South Carolinians, to be physicians for South Carolinians.

They'll look at their resume, see what they can improve, and see if MUSC is the right place for them to be to improve their resume, or would they be better served, for example, being at Clemson or Winthrop or another institution to improve their resume, or do they need more life experience or something like that? Those are all things that they will give them and let them know.

REPRESENTATIVE KING: My last question, in reference to the Bridge Program, have you all partnered with not only the state-supported schools, but HBCUs to have like a Bridge Program from like Benedict or some of the other institutions where it is majority minority people who attend?

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DR. BUTEHORN: I would have to find the exact details. I know we have six colleges. I'll have to figure out which ones those are. We have accelerated undergraduate. You can go into medical school programs so you can graduate early from your institution and then come to MUSC and also have an expedited stay. So usually you stay four years in college and four years in medical school, but those programs reduce that to six, six years total.

So, yes, we are doing that, and we will continue to strive to decrease costs by decreasing time of education. And obviously we look forward to working with Historically Black Colleges as well as any other schools throughout the state and across the country to try to get those proper students to MUSC.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

Senator Scott.

SENATOR SCOTT: Thank you.

Thank you, also, for your service. I know, a few months back, it was a little difficult, but now you're there, so we're expecting some great things from you.

Have y'all began to have some real conversation about MUSC expanding into some of the rural communities?

DR. BUTEHORN: Yes.

SENATOR SCOTT: I know you're in Marion County. Are there other counties y'all are already into --

DR. BUTEHORN: Yes.

SENATOR SCOTT: -- that y'all --

DR. BUTEHORN: Well, I can tell you, we've started a pilot project in Hampton, for example --

SENATOR SCOTT: Hampton.

DR. BUTEHORN: -- where we are using telemedicine to provide them state-of-the-art care and try to keep those patients there and also expedite their transfer, if needed, to the Medical University.

We have a new hospital that is being -- in the planning stages, still in the CON process, in Berkeley County. We have a new facility in Lancaster County, a new facility in Bluffton, and a new facility in Lake City. So those are all new hospitals that have been announced within the last year.

SENATOR SCOTT: Sounds great. Thank you so much.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon.

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DR. BUTEHORN: Hello.

SENATOR ALEXANDER: After having served on the board, your observation of the thing that has been the biggest -- I don't know if the right word is surprise, but good and bad observation of what -- I guess that would be surprise on the good and the bad from that standpoint, having been on the board that was -- coming in from the outside.

DR. BUTEHORN: Well, the good and the bad are probably both the same in that -- the rapid expansion of what's going on. And I view that as very much a positive, but it's also a challenge in that we're dealing with new things that we've never dealt with before, outlying facilities and outside the peninsula of Charleston.

So this is brand-new for everybody at MUSC, and I believe they're rising to the challenge to be a true statewide institution, and I'm proud to be a part of that.

SENATOR ALEXANDER: I think I noticed there that you mentioned your biggest weakness is the geographic location. And is that because of expansion outside or what?

DR. BUTEHORN: Well, in any institution that's on an ocean, you cut off your referral pattern. There's not many people out in the ocean that are going to come see you. So it's always a challenge.

Obviously, being on the coast, there's multiple other challenges.

For example, this year, we had the hurricane, which cut into things and difficult to plan for. You've got the flooding down in Charleston, which is an issue in the medical district which we're trying to remedy.

But lots of challenges being down there, not only -- cost of living can be a little bit higher in that area. So those are challenges we deal with.

I do think the expansion, as I was saying, to different geographic areas of the state is helping to ameliorate those issues. I foresee that ongoing and becoming more of a -- more students and more healthcare education being done outside of the county of Charleston. I foresee that growing exponentially over the next five years.

SENATOR ALEXANDER: So I hear what you're saying about it's hard to find people out in the ocean to serve, but I think, the last I saw, you have a lot of folks that are moving to the Charleston area. So you have a lot of individuals that, in some areas of the state, in rural areas, that are suffering from -- so I would hope that you would see that as a positive for customers as well.

DR. BUTEHORN: Oh, absolutely. Absolutely.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE DAVIS: Mr. Chairman, I have one question.

CHAIRMAN SENATOR PEELER: Ms. Davis.

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REPRESENTATIVE DAVIS: Thank you, Mr. Chairman. I do have one quick question.

What is the status of the new children's hospital?

DR. BUTEHORN: It is approved and ready to go, so we've gotten final approval. Everything is ready, and the plan is to be moving in -- I guess we're in a public forum, but sometime in the next two weeks. So we should be in there --

REPRESENTATIVE DAVIS: Okay.

DR. BUTEHORN: I know there's been some challenges --

REPRESENTATIVE DAVIS: Yes.

DR. BUTEHORN: -- and as with any large building, much less a hospital, lots of regulations, you know, to get through.

So all the punch card things are done. Everything's done. Some last-minute issues have been taken care of. And the last I heard, which was in the last week, it was two weeks, sometime in the next two-week period, so we're very excited about that.

REPRESENTATIVE DAVIS: Okay. Good. Yes, we're excited about that too. Thank you.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion favorable.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, Doctor.

DR. BUTEHORN: Thank you very much.

CHAIRMAN SENATOR PEELER: Fifth Congressional District, medical seat, Dr. Murrell Smith.

Dr. Smith. Good morning, sir.

DR. SMITH: Good morning.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

DR. SMITH: I'm sorry, I -- my hearing --

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

DR. SMITH: George Murrell Smith, Sr.

CHAIRMAN SENATOR PEELER: Good. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. SMITH: I do.

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CHAIRMAN SENATOR PEELER: Thank you. Would you like to make a brief statement?

DR. SMITH: Well, I'd just like to second what Mr. Bingham said. I appreciate the -- y'all letting me serve on the board, and I hope I can continue to serve and be an asset to the Medical University. Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

Questions, comments from members of the committee? No. What's the desire of the committee?

SENATOR ALEXANDER: (Raises hand.)

REPRESENTATIVE CLARY: Favorable.

CHAIRMAN SENATOR PEELER: Motion is for favorable. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, sir. Thank you, Doctor.

DR. SMITH: Thank you.

CHAIRMAN SENATOR PEELER: Sixth Congressional District, nonmedical seat, Barbara Johnson-Williams from Orangeburg.

Good morning, ma'am.

MS. JOHNSON-WILLIAMS: Good morning.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. JOHNSON-WILLIAMS: Barbara Johnson-Williams.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. JOHNSON-WILLIAMS: Yes. Yes, I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. JOHNSON-WILLIAMS: I, too, would like to say thank you all for allowing me to serve, and I hope to also be able to live up to the expectations of this district, the county, and the state.

CHAIRMAN SENATOR PEELER: Thank you.

Questions? What's the desire of the committee?

SENATOR VERDIN: Favorable report, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Favorable.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you. Thank you, ma'am.

MS. JOHNSON-WILLIAMS: Thank you.

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CHAIRMAN SENATOR PEELER: Y'all must be doing a good job down there.

CHAIRMAN SENATOR PEELER: Now 7th Congressional District, medical seat, Paul Davis from Darlington.

SENATOR ALEXANDER: I'm going to start asking some questions.

CHAIRMAN SENATOR PEELER: Good morning, sir.

DR. DAVIS: Good morning.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

DR. DAVIS: Paul Thomas Davis II.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. DAVIS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

DR. DAVIS: Sure. Thank you.

As they said, I would like to just say thank you for the opportunity to serve. It's been an honor and a privilege, and I would like to continue to serve in this capacity.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good morning, Dr. Davis.

DR. DAVIS: Good morning.

REPRESENTATIVE CLARY: How are you?

DR. DAVIS: Good.

REPRESENTATIVE CLARY: First of all, thank you for your service.

And since you are a relatively new board member, I wanted to ask you, as I have a number of those other board members from the various institutions, what type of orientation and training do you have whenever you roll onto a board such as the Medical University? And I know your background; you're a dentist. There's a lot of different facets to the university. Could you tell me about that?

DR. DAVIS: Sure. So I came onto the board and took over a term for Dr. Conyers O'Bryan, and when I came onto the board, I was oriented internally with the president, the CEO, the CFOs, and, you know, got all of that orientation internally.

But probably the most I've learned as a board member is from these guys, from the mentors like Dr. Smith over there and others. And I still

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have a lot to learn, but that's been the biggest asset that I've had, is all the years of experience on the board.

REPRESENTATIVE CLARY: And you mentioned mentors, and I certainly understand that. Does the Medical University have any sort of an assigned mentor to a new board member, or is it just the board at large?

DR. DAVIS: Just the board at large. There's no specifically assigned mentor.

REPRESENTATIVE CLARY: Also, you, in response to the questions that were presented to you -- ways to improve the school, number of beds in hospital, improve cost standpoint with the university.

When you talk about the number of beds in the hospital, I guess we would be talking about the hospital as a whole, which would be statewide, or are you talking about just specifically in Charleston?

DR. DAVIS: Well, I think both. So statewide, we've tried to address that. Now I think we have over 1,600 beds. And locally in Charleston, it's a little bit of an issue, so that's -- that's one of our primary goals, is to open up the hospital for more tertiary care, which is an endeavor that we have really been focused on.

REPRESENTATIVE CLARY: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good morning.

DR. DAVIS: Good morning.

SENATOR ALEXANDER: You've been on there a relatively brief period of time, on the board, and you talk about the growth and expansion of MUSC in healthcare.

So what does that future look like? Where is MUSC wanting to go from that standpoint?

DR. DAVIS: Well, MUSC, I think, with our mission for the state of South Carolina, we believe that the best care is provided locally and that -- you know, we're looking at ways to reduce healthcare costs, and we believe that we can do that by going out through telemedicine, through other areas.

And the recent purchasing of the regional hospitals has provided a lot of opportunity to reach out into underserved areas, and we believe that's part of our mission for the state.

SENATOR ALEXANDER: Thank you.

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CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

REPRESENTATIVE CLARY: Favorable.

SENATOR ALEXANDER: Move favorable.

CHAIRMAN SENATOR PEELER: The motion is favorable. Seconded.

Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand?

Thank you.

REPRESENTATIVE CLARY: Mr. Chairman, I also will have Representative Davis's proxy. She just messaged me.

CHAIRMAN SENATOR PEELER: So noted.

Representative King said he couldn't make it today, right?

MS. CASTO: Right, yes, sir.

CHAIRMAN SENATOR PEELER: Okay. Thank you.

Thank you, Doctor.

DR. DAVIS: Thank you.

CHAIRMAN SENATOR PEELER: I appreciate your willingness to serve.

DR. DAVIS: Thank you.

SOUTH CAROLINA STATE UNIVERSITY

CHAIRMAN SENATOR PEELER: Next, we'll move to South Carolina State University. First is the 2nd Congressional District, Seat 2. They have two people offering for that seat. First of all, Douglass Gantt from North Augusta.

MR. GANTT: How are you doing, sir?

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. GANTT: My name is Douglas Donel Gantt.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. GANTT: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement? Make sure the light's burning green.

MR. GANTT: I'm sorry, sir? I --

CHAIRMAN SENATOR PEELER: Make sure the light's burning green so we can hear you.

MR. GANTT: Oh, yes, it is.

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CHAIRMAN SENATOR PEELER: Okay. Would you like to make a brief statement on why you'd like to serve on the South Carolina State University board of trustees?

MR. GANTT: Yes, I would.

I'm -- I'm the very first person in my family to attend college and graduate from college. South Carolina State is very dear to me simply because during the -- during the time of when I was at South Carolina State, when funding was really cut for students who were there, it was those individuals who were able to put their arms around me and ensure that I received a degree.

And how important that degree has been for my family. It wasn't just an opportunity for me to operate in corporate America and work in government, but it actually changed the dynamics of my family. My family, after I graduated, now everybody who graduates from high school goes on to go to college.

And what I would like to do, serving on the board, is to ensure that the people who currently serve on the board, that I speak that kind of information to them, hoping that some other kid will have the same opportunity.

CHAIRMAN SENATOR PEELER: Questions or comments?

REPRESENTATIVE KING: I have a question, sir.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

Mr. Gantt?

MR. GANTT: Yes.

REPRESENTATIVE KING: Mr. Gantt, how often do you visit South Carolina State's campus, and what have you done there at South Carolina State recently? With all that South Carolina has gone through in our recent history, what have you done to try to help South Carolina State University?

MR. GANTT: Thank you so much for that question, Representative King.

Currently, I serve on the RISE committee, and the RISE committee is a committee where we go about, you know, asking and requesting funds from individuals or past graduates of the institution. I've traveled to various states to talk to previous graduates.

And this past year -- we've been doing it for one year. I'm one of the cochairs. There's four of us that serve on that committee. And we raised \$2 million for the institution.

Also, I wear my pin proudly. I'm a lifetime member of STATE Club and South Carolina State. I also am just a few thousand dollars short of

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where -- we have what they call the Miller Society where they honor South Carolina State graduates who donate \$100,000 or more to the institution. I'm one of those individuals who -- like I said, just a couple thousand dollars short. I should be there this particular year.

And I'm also a treasurer for STATE Club. And the STATE Club, we go about raising money from individuals who donate to the institution. Of course, STATE Club supports athletes as well as students to attend. So I would also say that I'm one of the top donors for that particular group as well.

REPRESENTATIVE KING: I appreciate what you are doing for South Carolina State, and had I not asked that question, we would have not known that.

Let me ask you another question. You say that South Carolina State's biggest weakness is perception. As a board member, tell me what the perception is, and then tell me, as a board member, what do you do or what do you think you can do to change that perception?

MR. GANTT: Well, I think, you know, the perception for some, who probably never attended the school or have never been on the grounds, is that you possibly could be receiving a lesser of an education if you attend South Carolina State, and I think a lot of times people haven't had that opportunity to speak to the individuals who are prior graduates.

I'm an individual who is a graduate. Like I said, the first time in my family anybody ever attended college. I graduated from South Carolina State. I was the first student from South Carolina State to receive an internship for Governor Riley.

Through that internship, I got an opportunity to meet a lot of different people within this arena, and I got a chance to serve on a project in Saudi Arabia and Kuwait for a contract that was owned by Governor West during that time. And I think -- currently, right now, I'm a territory manager for Pfizer Pharmaceuticals in the vaccines division.

I say all that not to receive applause for me. It's just to say that I'm one of those products of those -- of that institution to say that -- I was told by a professor there that, look, the most important thing you can do at this institution is open up your books and learn what's in them.

And so I say that the perception should be that you can earn a degree from South Carolina State and go on to earn a master's degree from a PWI, a predominantly white institution, like I have, and I think more kids need to hear that. You know, given the opportunity to graduate from South Carolina State, I think, you know, people like me and others who I know can stand before this committee and talk and tell you why that

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institution is so viable and why the perception shouldn't be, for some, as it is.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

And welcome, Mr. Gantt.

MR. GANTT: Thank you.

REPRESENTATIVE WHITMIRE: I appreciate your willingness to serve.

I noticed you say that students and faculty should be represented on the board. Do you have a percentage in mind, and should they be voting members?

MR. GANTT: Yes, I -- I don't have a percentage in mind, per se. I didn't think about it in depth in that way.

But I did include in my write-up that I thought that they should be represented, mainly because when you're making decisions for people or about people or with people, those individuals that you are discussing and talking about should be there to represent themselves. I think if we are at a point where we are considering whatever that goal is, everybody should be making contributions and decisions for all of us to reach that goal collectively.

REPRESENTATIVE WHITMIRE: You know, we've had some issues with other schools in the state as far as representation on the board and should, you know, the faculty be included, should students be included, and, you know, it became a mess, really.

So I -- you know, if you choose that, I certainly hope you will choose wisely because some boards do not believe in student participation, at least as far as votes. And so that's just my two cent's worth. Thank you.

MR. GANTT: Well, thank you for sharing that.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Gantt, for your willingness to serve.

MR. GANTT: Thank you.

SENATOR SCOTT: Tell me what do you think you will actually bring to the table if you are chosen to be on that board and some of the things that you would like to change that you think would better South Carolina State, as a graduate myself.

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MR. GANTT: Okay. Well, currently what I think I bring to the board is, as I said earlier, I've worked government. I worked at the Savannah River Site for approximately eight years in -- you know, in the corporate office there for Wackenhut Security. I had an opportunity to work at the Department of Energy headquarters through that connection. So I say that to say that I have an abundance of experience in working with government.

I also say that I -- like I said, I'm a territory manager for Pfizer Pharmaceuticals, so I work for one of the largest corporations in the country. And so I have a lot of information and, I think, a lot of knowledge and things that I've learned to work -- that I can bring to the table from a private business perspective.

And the way I think that I can improve or bring something different than maybe some of my other colleagues is the fact that I've learned through working in private business as well as government that I need to do more listening than I do talking right now. So -- also, I have conducted a lot of analysis at both locations that I've been at, and, you know, through those analyses --

SENATOR SCOTT: Thank you. You know, even with all -- even with all of the experiences you've gotten from working in the private sector and transferring it over, the real challenges on the board, did you know, is trying to convince your colleagues of the direction they need to go in and whether or not you -- your good listening and doing analysis can convert to being a good leader --

MR. GANTT: Correct.

SENATOR SCOTT: -- so you lead your colleagues into making some real changes that will move the institution forward.

So having, as you indicated, the opportunity to graduate from a majority school as well as the HBCU and being able to bring some of those comparisons to what the institution might be able to do better, we're probably looking for that as an answer.

MR. GANTT: Okay.

SENATOR SCOTT: You gave an answer in terms of what your education and experiences have been, but how do you translate that into how the school can better manage its affairs, looking at its curriculum, also in looking at what its infrastructure needs or construction, deferred maintenance, and how we get there?

And I was glad to hear that you are raising money because that is a key part. And I was there the other night for the event they had. But it's a key part. How do you convince them either that the system we have can be improved and offer something to move in that direction, if that

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ends up being the committee that you actually work on, which I anticipate that's probably where you're looking because that's where your strengths are?

MR. GANTT: Right. Well, again, several -- or I should say a few of the board members that are currently there, I work -- I'm the treasurer for the STATE Club.

SENATOR SCOTT: Right.

MR. GANTT: So some of the board members, like, you know, the present chairman of the board, I've worked with him for several years.

SENATOR SCOTT: Rodney.

MR. GANTT: Yeah, Rodney Jenkins. And with me being a member of the STATE Club, I've had to -- I've got relationships with Donnie Shell

SENATOR SCOTT: Donnie.

MR. GANTT: -- which, you know, I've talked to him on several occasions as well. And, again, I think a lot of times, you know, coming to an agreement -- or many times, everybody knows what they -- what they want to say when they come to the table. I just think sometimes we don't listen or come prepared to listen to, you know, evaluate the other person's side.

And my relationships with them, I just believe that I can help push the university forward because I'm willing to listen first and, you know, be the worker second. I'm willing to do that. I think sometimes that's what keeps us from advancing and growing and, like I said, doing these analyses and bringing these -- the information to the table because that's what has brought about change for other universities.

One of the things I would like to say, in the sense of -- you know, there are several universities that have issues and problems. One, most notably, is Penn State. Penn State had serious problems. But somebody decided in a room that they were going to have a white-out, and everybody wore something white to a football game and said we're going to forget the past and we're going to move forward.

And I think that's some of the kind of conversations that need to be had at South Carolina State. Bad things happen at a lot of places. But where do you want to be next year, or five years from now, or ten years from now?

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE CLARY: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Mr. Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Chairman.

And Mr. Gantt, thank you for offering to serve.

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I agree with you in your response to Senator Scott's question just a moment ago. We have to learn from the things that have not been as pleasant as we would like for them to be, but we also have to apply those lessons and move forward in a positive way.

Tell me -- tell me this. You've talked about your work history and where you've worked. What did you do at SCANA?

MR. GANTT: Oh, at SCANA, I knew Billy Amick. I was just telling them just a moment ago I worked for Billy Amick as a boy at his property.

And I was the manager there. I was responsible -- at the time, we were moving forward, of course, toward doing similar to what they were doing at Enron, which is turnkey operations, and I ran the home security division in Macon, Georgia. So I was responsible for implementing it and getting that started in Macon, Georgia.

REPRESENTATIVE CLARY: I also noticed that you're currently a member of the Aiken County board of elections.

MR. GANTT: Yes, sir.

REPRESENTATIVE CLARY: And you understand that if you were elected to this position that you would have to resign that seat?

MR. GANTT: Correct.

REPRESENTATIVE CLARY: And when you talk about South Carolina's biggest weakness -- or South Carolina State's biggest weakness and the perception, what kind of steps do you take to overcome that perception?

I've listened to your personal story and the way that you've talked about it on an individual basis, but how do you reach a wide range of young people to change that perception?

MR. GANTT: Thank you for that question, Judge Clary. Look, I'll be the first to admit, I'm not the best or biggest social media person, but I think social media has an impact today like it has -- well, I would assume it's new to all of us.

In my opinion -- I have two kids. One is a graduate from the University of South Carolina here in Columbia. And my way -- and my way of thinking that you would do it is just like I tell them. I couldn't get them to read the newspaper. They wouldn't dare pick up a newspaper. But the moment that newspaper came on that telephone, they couldn't wait to sit down at a table to share with me what they knew about what was in the news.

So I think one of the biggest efforts and steps we can take is put forth all the successes that we have. We have a success sheet that we put out during our last meeting, and it talked about all the positive things that --

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you know, that go on at South Carolina State, you know, all the success that, you know, people are having academically, athletically.

It's just like -- now we've even got a kid now that's, you know, competing and participating in the Olympics. These are things that you don't know. I think every institution brings something different for every kid and every person. So to me, social media would be the first steps that I would take to make that happen.

REPRESENTATIVE CLARY: Thank you, sir.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon and, again, thank you for your willingness to serve.

And kind of a follow-up to Judge Clary there as far as attracting new students and additional students, what is the enrollment at SC State now?

MR. GANTT: I'm a pharmaceutical rep, and I'm normally asked to only say things that I can verify and validate. So without having the piece of paper, I can only tell you what I've heard. I don't -- so I want to make sure I'm saying the right thing.

SENATOR ALEXANDER: I understand.

MR. GANTT: But to my understanding at our last meeting, we had -- they said it was like 2,100. I think that's the number that President Clark shared with us.

SENATOR ALEXANDER: Okay. And as a member of the -- of the club and as -- acting as treasurer, how do you -- are y'all engaged or how do you think the board could be better engaged in trying to attract additional students to SC State?

MR. GANTT: We are engaged, and -- but, of course, the STATE Club, and being the treasurer, we normally involve ourselves a lot with athletics. That's --

SENATOR ALEXANDER: You don't try to do any recruiting or be ambassadors back in the communities that you live in?

MR. GANTT: We do.

SENATOR ALEXANDER: How big is the STATE Club?

MR. GANTT: The STATE Club now probably has close to 200 members.

But we do -- we currently have a program now that -- where we're training -- you have to be trained in order to be a recruiter at South Carolina State, and this training is set up at our various STATE Club organizations, our alumni chapters. So we have people who come out, and they -- like I say, you are trained, and then you go out, and you recruit

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these individuals at various schools, you know, when they have the programs at school where they ask institutions to show up.

SENATOR ALEXANDER: Okay. And one final question, if I could. Just observing from your information you provided, if I read this correctly, you're a graduate of SC State in criminal justice. Is that correct?

MR. GANTT: Correct, yes.

SENATOR ALEXANDER: Yes, sir, and you're a pharmaceutical salesman.

MR. GANTT: Absolutely. Like I say, all you've got to do is open up the book and learn what's in it.

SENATOR ALEXANDER: Well, congratulations.

MR. GANTT: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: A favorable report.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. It's unanimous.

Thank you for your willingness to serve, sir.

MR. GANTT: All right. Thank you.

CHAIRMAN SENATOR PEELER: Next, Macie Smith from Columbia.

Good afternoon, ma'am.

DR. SMITH: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

DR. SMITH: Dr. Macie Lynn Perry Smith.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. SMITH: Yes, sir.

CHAIRMAN SENATOR PEELER: Take a seat. Would you like to make a brief statement?

DR. SMITH: I don't know how brief it's going to be, but I'll try my best.

I'm Dr. Macie Smith. I am a two-time graduate from South Carolina State University. I attained my bachelor's in social work and also my master's in rehabilitation counseling. And if you would allow me a few minutes, I just want to tell you all a little bit about why I want to be a part of the board of trustees at South Carolina State University.

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Outside of me being an alum, I remember when I graduated from high school -- and that would be North High School. Not up north, but North, comma, South Carolina High School. That's where I wanted to go. No other school. I didn't apply to any other school. When I took my SAT, I took it one time, scored what I needed to score to get into South Carolina State University.

But it was almost like a -- a rite of passage for me. I didn't realize the rich culture I was going to embrace. I didn't realize the level of confidence that I was going to gain by attending South Carolina State University. And so after I got my master's in rehabilitation counseling, I knew that I had a responsibility.

I've been a licensed social worker for over 20 years and a gerontologist. I work with families who are living with Alzheimer's disease and dementia. As I'm working in public health, I'm finding out from the data that African Americans are twice as likely to develop some of the top ten chronic illnesses, with Alzheimer's being the one that's devastating to the entire family with no form of cure to curtail the disease.

And so, you know, I'm from the country, and so when you learn better and you know better, you do better, and you have a responsibility to share that information with others. And so I feel it is a responsibility for me to go back to my alma mater and share as much information as I can and help to build the capacity of students.

Over 93 percent of the students there at South Carolina State University are African Americans. Over 50 percent are females. That's me. And so if I have the knowledge and the skills and the expertise and the resources in the community to connect our students to be able to be more active in STEM, more active in medical, more active in law, then I feel that's my duty, and that's one of the major reasons as to why I'm expressing interest in becoming a part of the board of trustees.

CHAIRMAN SENATOR PEELER: Good.

Questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Dr. Smith, for your willingness to serve.

There was an earlier question asked to the chairman of the board at MUSC about African Americans applying and being accepted at MUSC. How can you take that experience and knowledge that you have in rural South Carolina --

DR. SMITH: Yes, sir.

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SENATOR SCOTT: -- and students -- Hodge Hall is -- should be your home place for all the science courses you've taken there.

How do you convince some of these young folk that they're able to go into the different areas of the medical field to help us fix some of these rural issues that now, after 20-something-odd years, you've had a chance to really take a look at?

DR. SMITH: Yes, sir. Senator Scott, that's an excellent question.

I will say that I am a researcher, and my research has been published in three professional journals. Alongside of me has been a student along the way. And so what I do with the work is I always engage students.

Better understanding what various areas of medical is, what it looks like -- you'll be amazed as to how people don't really understand what different components of the medical arena looks like. They just feel, okay, it's cancer, or it's heart disease, it's larger than what I am or what I can do, and not really realizing that the food that they eat, their lifestyle affects the -- their longevity. It affects their ability to reduce their risk of chronic illnesses.

So what I do is I take students outside of the classroom. I am an assistant professor at an HBCU, at a PWI, and also at an online university. And so with all of my students, with my field experience, I take them in the community.

Recently, February 14th, Valentine's Day -- I remember it because I had on red shoes -- I was in Orangeburg, South Carolina. I often take my education events in rural communities because when people better understand how they can make preventative measures to reduce their risk of developing chronic illnesses, they tend to do better.

And so I had several -- five students from the College of Social Work at South Carolina State University attend the training and participate and to volunteer, to build their interests, to build their capacity. And they were very excited about gerontology.

A lot of students don't know what gerontology is. A lot of adults don't know what gerontology is. So I just say when you think of Geritol, when you hear the term Geritol, what do you think of? They always say, Old people. I say, No, it's older adults; we're not going to say old people. But that is -- it's the study of the older adult population over the age of 65.

And so, you know, you'll have students say, Well, I want to go into mental health. But what does that mean? I want to go in child and family. Well, what does that mean? So I take them out into my world and have them apply the theoretical perspectives and foundations that they learn in class.

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I also teach my students how to do research because with any university or with any organizations, you want to diversify the funding that's coming in. I'm the president of a nonprofit organization here, the National Association of Social Workers South Carolina Chapter. I do a lot of partnership with the Department on Aging because they are the lead when it comes to our aging population.

And with blessings, all of us will age, so this topic applies to everyone. So being able to show students how to apply the theoretical perspectives to real-world experiences and also to their personal life engages them and increase -- and it piques their interest.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Welcome, Dr. Smith. I'm afraid that gerontology applies to several of us who are sitting around this table.

CHAIRMAN SENATOR PEELER: Speak for yourself. Speak for yourself.

DR. SMITH: With blessings. With blessings.

REPRESENTATIVE WHITMIRE: I know Senator Alexander was saying something about --

SENATOR ALEXANDER: Yeah. Yes, yes.

REPRESENTATIVE WHITMIRE: With your background, obviously, you could have gone to any school you chose to.

DR. SMITH: Yes, sir.

REPRESENTATIVE WHITMIRE: Why did you pick SC State? What appealed to you?

DR. SMITH: Well, I will tell you that it was close to home. That was number one. But I wanted a good school that was close to home, to my mom.

And also when I learned about the Orangeburg Massacre. When I learned about the Orangeburg Massacre -- and it was almost like it was a part of me, and I wanted to learn more about the history. I wanted to learn more about me as an African-American female, the strength that I had.

When I went to South Carolina State University, I wasn't confident at all, contrary to what you might see here today. I wasn't confident at all. But they -- my professors, my -- the staff, my other classmates really, really galvanized and, as Mr. Gantt said, opened up the book.

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And you always have to be able to apply the information to yourself. And so the way that the information was presented to me gave me the courage and the confidence to be who I am all the time, no matter what room I'm in. And so the rich history of South Carolina State University was what just really piqued my interest.

And to find out that the Orangeburg Massacre was right in the Orangeburg, South Carolina -- you always look at television and you look at history books, and you think it's someplace else. But, oh, it's 20 minutes down the street? Oh, that's where I'm going. That's a part of who I am. And it actually allowed me to be able to complete my doctorate at Nova Southeastern University and to say proudly that I'm a South Carolina State Bulldog.

And so I think a part of that -- and you didn't ask me this question yet, but the enrollment piece you asked Mr. Gantt about, being able to get that information out to people. I'm on social media all the time. But because I'm a Generation X and I work with various generations, I know that's only one component.

So you have to be out there on social media because with visibility comes viability. You have to be out there on various forms of media -- print media, radio -- and you have to be consistent. I am a proponent of coalitions and subcommittees. If we have a board of trustees, I think that we should break it down into committees and have people focus on various areas, develop a comprehensive plan, identify actionable items, identify target dates, identify people who are responsible for doing particular items. It should be a fluid document. We should communicate throughout to see what's happening, what's not happening, and what changes need to be made.

And so we always have to -- we always have to have a vision, a mission, and also a document that has the information written in black and white with responsible parties.

REPRESENTATIVE WHITMIRE: Did I see that there's a memorial to the three students who were killed at State?

DR. SMITH: Yes, sir. That was recently --

REPRESENTATIVE WHITMIRE: Has that already -- that was recently?

DR. SMITH: Yes, sir.

REPRESENTATIVE WHITMIRE: Okay. That's -- I'm afraid I'm old enough to remember that, and I think a few others are. That was a sad tragedy in our history unfortunately.

DR. SMITH: Yes, sir.

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REPRESENTATIVE WHITMIRE: So I'm glad to see they're being recognized.

DR. SMITH: Yes, sir.

REPRESENTATIVE WHITMIRE: That's all I've got. Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR ALEXANDER: I've got one.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon.

DR. SMITH: Good afternoon.

SENATOR ALEXANDER: And I appreciate your willingness to serve.

And you have two degrees from there. I was just curious, if I'm reading correctly, your employment now, part of that is faculty at the University of Phoenix.

DR. SMITH: Yes, sir. I teach online at the University of Phoenix, I'm an assistant professor in the College of Social Work at the University of South Carolina, and I'm an assistant professor at Benedict College. And I do guest lectures at South Carolina State University.

SENATOR ALEXANDER: So would you see -- would there be any conflict with you serving on the board of SC State while doing any of these other roles?

DR. SMITH: No, sir. Each one of those roles are -- they're solicitations, and so I can choose to accept the classes or to not accept the classes. But that won't interfere with the work that I would do for the board of trustees at all.

SENATOR ALEXANDER: So -- just -- just another observation, Mr. Chairman, and question, if I could.

CHAIRMAN SENATOR PEELER: Sure.

SENATOR ALEXANDER: So with the University of Phoenix -- all online courses, if I understand correct.

DR. SMITH: Yes, sir.

SENATOR ALEXANDER: So how will that have an impact going forward, or how do not just SC State, but all places of higher learning address that trend of -- do you see more students wanting to get their education online versus going to the brick-and-mortar university of a four-year institution?

DR. SMITH: That's an excellent question, Senator Alexander.

It just depends on the generation. It depends on whether or not they're a traditional learner versus a nontraditional learner. Some students do well online. Some students do well face-to-face.

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But there is a growing trend of online education. You know, individuals who have families or who have demanding experiences or demanding lifestyles, but they still want a higher education, online education absolutely fills that void. And so I do see a growing trend.

However, there are some perceptions about online education too. Some, in data I've seen, not real education, depending on the university. If they're for-profit universities, you know, there is some concern there.

So I think we're going to see -- we've seen a shift from traditional to online, but I think we're going to see another shift back to traditional universities because traditional universities now are also offering online courses as well, as they should because people's lives and people's situations are changing, and we have more technology. We have technological advances, and so we have to move along with the time and be able to fill those gaps when they exist in order for people to attain a higher education, to be contributing members of our society.

SENATOR ALEXANDER: Thank you.

Thank you, Mr. Chairman.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

Dr. Smith...hey.

DR. SMITH: You know, I'm just here, and I'm just -- you know, the sinuses -- you know, allergies are not my friend this week, so...

SENATOR VERDIN: Well, I appreciate the -- some of your remarks regarding why you were attracted to SCSU --

DR. SMITH: Yes, sir.

SENATOR VERDIN: -- 25 years ago. It related to you personally, culturally, and historically, your experience within your community, and I'm noticing in your responses about diversity.

DR. SMITH: Yes, sir.

SENATOR VERDIN: So South Carolina State has had the challenges of maintaining enrollment --

DR. SMITH: Yes, sir.

SENATOR VERDIN: -- struggling to have that critical mass of enrollment to function. And you point out there's 93 percent African Americans.

To address diversity, the ethnicity component, the equation, the ratio needs to be addressed.

DR. SMITH: Yes, sir.

SENATOR VERDIN: I don't think anyone would imagine that an HBCU would ever revolutionize racially.

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DR. SMITH: Uh-huh.

SENATOR VERDIN: But I do think it's interesting that you have a concept that maybe seven percent minority enrollment -- majority population/minority enrollment is not good enough, and I -- and I find that refreshing because in Laurens we have a gentleman, a Caucasian, that graduated from South Carolina State nearly 30-something years ago.

DR. SMITH: Wow.

SENATOR VERDIN: And I'm looking forward to the day that he's not some outlying anomaly because he got a tremendous education within his field, the technical field. It served him well.

And as we think about the facilities there, the enrollment --

DR. SMITH: Yes.

SENATOR VERDIN: -- the potential is there. I know not everyone is going to have the same cultural attraction to come there like you did, but, you know, everyone wants to make a good living.

DR. SMITH: Oh, yeah. Oh, definitely.

SENATOR VERDIN: And I know that a lot of the curriculum offerings might address how you might see an increase in other racial compositions in the student body.

But I am curious what you think might -- you know, just like we're trying to see a balance reflected in these other schools, the state schools, you take the convex with an HBCU, and I've always thought, What would be the ideal? What would maintain the distinctness and the traditional characteristics of a school that still -- if you change that -- and I know you've worked on it within the faculty and staff as well.

DR. SMITH: Yes, sir.

SENATOR VERDIN: And it seems like a great area to bring that financial stability --

DR. SMITH: Right.

SENATOR VERDIN: -- to the institution.

DR. SMITH: And also to -- you know, the history is history, so it's going to be sustained there at South Carolina State University.

But as far as diversity, you know, we've got to look beyond male and female and race. There is the LGBTQ+ community. There is the older adult community. There is the senior community. There is the military community.

And when we look at diversifying our student population, we simultaneously have to look at diversifying our faculty and also our staff in addition to diversifying the board of trustees. I feel like the board of trustees should mirror the student population because that's the

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commodity. I'll leave that to the General Assembly to do their due diligence in diversifying that.

But in terms of the student and the faculty population, I'm a -- again, as a licensed social worker working in mezzo, macro, and micro social work, you have to start with a plan. We can't just go out there doing stuff because, you know, you don't know what road is taking you there; you don't know what the mess-ups are and how to address those particular disparities.

But once you start off with a mission, you develop a comprehensive plan with certain people in place to have targeted responsibilities. And so when we're looking at enrollment, we have to talk about what type of students, what we want our student body to look like.

Once we figure out where we want that -- what we want that student body to look like, then we go there. That could be the elementary schools, the middle schools, the high schools. And think of it outside of the typical realm. Go to some of the job fairs. Go to some of the health fairs. Go to church on Sunday morning. Students are everywhere.

If we expand our perception of what the student body should look like, it looks differently. And so once we expand that and better understand what -- where they are, then we go to them.

And being able to share our successes -- when we had a football player in the -- in the Super Bowl -- I'm not a football fan, but I, you know, look at it for snacks. We have a football player in the NF -- the Super Bowl, and then we have someone from -- in communications from South Carolina State University.

And so being able to highlight, you know, the highly sought after ROTC program, the speech pathology program, the education program, having that consistently as a part of the message in all of these different communities and areas -- and don't wax and wane from it. But, again, you have to have a coalition that's targeting these particular areas and not leaving any -- you know, any group of people out, you know, nontraditional learners, traditional learners. These are the things that we need to have a continual focus on, and, again, go to where they are once we figure out who they are.

SENATOR VERDIN: Thank you.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE CLARY: Favorable.

CHAIRMAN SENATOR PEELER: Motion is favorable.

(Motion is seconded.)

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CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Two great candidates for one seat.

Thank you.

DR. SMITH: Thank you so much.

CHAIRMAN SENATOR PEELER: Fourth Congressional District, Seat 4, Jameel Allen from Greer.

Good afternoon, sir.

MR. ALLEN: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. ALLEN: Jameel O. Allen.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. ALLEN: (Affirms.)

CHAIRMAN SENATOR PEELER: Please have a seat and come forward. Would you like to make a brief statement?

MR. ALLEN: Yes, sir. First of all, I want to acknowledge the Governor, the General Assembly, and all the contenders here that poise in position to take on seats at these various universities.

And with that, my desire is not politically motivated. My desire is fundamentally revolved around SC State University. Obviously, you can see it in the write-up, I'm a grad. I graduated in 2001.

I almost didn't have the opportunity to go off to college. I worked hard. I lobbied across the Southeast to get into a university and graduated from col -- well, high school with a cumulative GPA of 1.9. My SAT score was about a 1280, and that took perseverance during my senior year of high school.

We were ranked number one in the nation, the Southwest DeKalb football team, so obviously academics weren't high, and sports dominated at the time, but football was about 95 percent of my toolbox. And so it was -- it was a situation where we had to really do some praying and focusing on the big picture.

And after I persevered on the SAT, SC State University gave me an opportunity through their psychometric program coupled with entering the university through a Prop 48 status, meaning I could not play football that first year. They gave me a window to revamp and really think about the academic side of my path forward.

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So with that, I was able to persevere. I got my grades together and ended up getting up an academic scholarship. Gave up football going into my senior year, and I would say the rest is history.

But during my negotiation stage with SC State University prior to graduating from high school, I told them, If you give me an opportunity, I'll be indebted to you for the rest of my life. So I've -- I've given back to the university. I've served as chairman of the board of visitors, which is a sub-board of the board of trustees. (Clears throat.) Excuse me.

That board was put in place to serve as a corporate arm for the university, and I think my last stint was in 2012 with the board. I also served as an ex officio member of the board of trustees at the time.

But, again, my experience at SC State University has really propelled me forward. I am a publicly traded officer -- an officer for a publicly traded company now. I got my first stamp with the Fluor Corporation right of undergrad. Relocated to Dallas. I took on solid mentorship, solid sponsorship from a global leadership standpoint. So I would say probably that those are the two tenants that have carried me forward, is solid executive sponsorship and mentorship over the years.

And today I sit in a row where it's all about governance. It's all about integrity. It's all about developing the next generation. It's all about driving margins. It's all about diversity inclusion. But it's also about making sure we meet the targets for our shareholders.

So with that, I look forward to bringing that experience back to SC State University. I've been in and out. I've served as a guest speaker, over a decade ago as the Executive Speaker Series speaker. But I look forward to being in a more fluent role from a governing standpoint. I feel like I've got the qualifications to do that.

So I wanted to try to keep it brief on that intro, but I'm glad to be here and glad to be in town today. It was a struggle to be in town today, but I'll turn it over to you, Senator.

CHAIRMAN SENATOR PEELER: It's good to have you.

Questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Mr. Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Allen, for being here, and you have a very interesting and unique story, and I appreciate you sharing it with us.

A couple of things that you hit on, particularly at the end of your presentation, you talked about governance, integrity. How about expanding on that a little bit for me and your view of what that entails?

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MR. ALLEN: Well, that's a good question. I think it boils down to leadership, making sure you've got the right athlete in the right seat, and saying -- what you say you're going to do, you're going to actually follow up on it.

In our business, the proof is in the pudding. If we don't make our numbers, you know, we're getting reprimanded by Wall Street. We've got to have a really good story, but we can't fabricate that story.

If we've got pride in what we do as -- we design, build oil refineries, power plants. We maintain those domestically and globally. I've always been in that business. But if we've got some external forces that are influencing the growth, we fundamentally have to make sure that we articulate that to Wall Street, our customers, shareholders, et cetera.

So not compromising the results, not compromising what we believe in from an integrity standpoint and fiscal responsibility standpoint so when it's time to go back to the drawing board and right-size and put the right athletes in the right seats, making decisions that are fundamentally focused on long-term sustainability for that organization.

And the fundamentals don't change. They would be applicable to SC State University or any university in this room today.

REPRESENTATIVE CLARY: You also talked about South Carolina State must have a comprehensive diversity inclusion program.

Going back to what Senator Verdin was speaking with Dr. Smith about, HBCU, 93 percent African-American, how do you -- how do you go about developing a comprehensive diversity inclusion program without -- without interfering with the character of a Historically Black College or University?

MR. ALLEN: No, obviously a good question, especially from an HBCU perspective.

Obviously I went on to Arizona State University. A lot different as far as the population mix. When I think about that question as it relates to SC State University, it boils down to articulating a vision and a proposition of the university, whether it's academics, whether it's athletics, and talking about what we've done year over year, decade over decade, a little over a century.

And I think once you get that message out regionally, nationally, and globally, you'll get more of a diverse mix of candidates. And I'm not talking about -- I'm talking about African Americans obviously, Canadians, Hispanics, Asians, et cetera. It's a great university, and one of my roommates was a Caucasian from Canada on a tennis scholarship. We still stay in contact today.

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One of the things I really want to talk to y'all about is relationships at some point. They're so important. He's an executive today in Canada and actually a customer, as well, of mine.

But, again, a very unique, diverse situation from that standpoint, but I think we've got to hold ourselves accountable from a fundamental standpoint of getting out there and making it a target, whether it's Asians, Caucasians, whether it's, you know, African descent. We've got to -- it's got to be intentional, and we've got to just put more aggressive measures in place from that standpoint.

REPRESENTATIVE CLARY: And I think you -- you definitely hit on something there.

When my daughter graduated from high school, she got this crazy notion she wanted to go to the University of Georgia. And she went there, and her roommate was an African American from down in the lower part of Georgia, and I think that was one of the greatest -- greatest experiences for her in getting to have that relationship with that young lady, who remains her friend and our friend to this day.

Thankfully, she had the good sense to transfer to Clemson after that one year and -- but that was a great experience for her.

Let me ask you another question. You talk about the biggest weakness at SC State is the ability to cross-pollinate with alumni in giving back to the school; alumni is not active because of communication.

I mean, that is an issue that I think every institution faces. So give me your idea of how you -- how you overcome that.

MR. ALLEN: That's a good question. I use that term quite a bit in corporate America, cross-pollinization, especially in my role.

But it starts with the student. It starts with nurturing that student, that -- who's the customer. So we'll talk about -- I heard earlier, absolutely, that student needs to serve on the board and have a voting right because you're sowing into that existing customer, which will be your eventual shareholder at some point.

But, yeah, absolutely, I think, you know, from a big picture standpoint, that's what we need to be focused on.

REPRESENTATIVE CLARY: Well, and my final comment, I believe that students should be heard from. Whether or not they have voting rights or not, that's something for the boards to determine.

Thank you, Mr. Chairman.

MR. ALLEN: Thank you.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Mr. Scott.

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SENATOR SCOTT: Thank you, Mr. Allen, for your willingness to serve.

MR. ALLEN: Thank you.

SENATOR SCOTT: I sat and I listened to your diversity package you talked about, and I'm looking at some of the larger institutions, like USC that has a diverse population of 5.3. I'm looking at Clemson, who has a diverse population of blacks of 6.3. And South Carolina State is 7. MUSC we grilled not too long ago, and just in the school of medicine, overall of 11.

And when USC, which is a school of business, Clemson is ICAR, and MUSC is medicine, and when I look at the drawing card for a diverse population, it's speech pathology. In the school of speech pathology, they always have a number of white students who want to come in. And I look here at this plan you rolled out to bring Asian and other students in, if you -- if you don't have this diverse population to draw from, what is South Carolina State's drawing card to bring all these Caucasian or white students in?

I'm not yet -- and I've been around at the university now almost 50 years. So tell me what we're doing wrong or what the school is doing wrong so we can attract students in. And it's a long way from one or two students to having seven percent at that university, given where we are in that particular region.

So please help me to understand this concept that you have when I'm looking at you coming out of corporate America and their numbers are terrible.

MR. ALLEN: That's right, Senator Scott.

SENATOR SCOTT: So tell me what you're going to do different sitting on that board than the board is already doing, A, and also attracting not only students, but also faculty and staff who want to come to the institution when the school pays less money than some of these larger schools. I'm really interested in this answer.

MR. ALLEN: Good question, Senator Scott. I think it boils down to going out and cross-pollinating with corporations, and we've heard the term coalition, but putting strategic initiatives in place to make it more attractive not just for African Americans, but the general candidate that wants to come to the university.

So I think from a big picture standpoint, we're going -- we're going above and beyond what we consider a legacy and traditional at the university. We've got to make the university more attractive, but I think we've got to get out and communicate more on the service offerings and the academic programs, et cetera.

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I'm going to talk about golf. I talk about tennis. I talk about some of the other programs when I was at the university. That's another opportunity to bring in some of that diversity

SENATOR SCOTT: But you realize all --

MR. ALLEN: -- to get those numbers.

SENATOR SCOTT: You realize all those students that come in have to come in with scholarships?

MR. ALLEN: That's correct.

SENATOR SCOTT: And those scholarships require them to have money.

MR. ALLEN: That's correct.

SENATOR SCOTT: And looking at where the university's come in the last six or seven years in its struggle because of a number of reasons, especially the economy, the parents' PLUS program, the change in Washington, and many other programs that created a lot of -- schools to have a lot of problems to keep from the doors being closed.

And all of a sudden, I'm looking for this big diverse plan you're going to have that's going to change the landscape, and I'm really, really interested in it because it will help fix a whole lot of other problems that these other HBCUs aren't working with.

MR. ALLEN: And that's a good question. I mean, we struggle even in corporate America on diversity --

SENATOR SCOTT: You do.

MR. ALLEN: -- as it relates to building power plants or an oil refinery or a manufacturing facility, and most of your regulated companies require 10 or 15 or, in some cases, a 20-percent stay in associate procurement.

But I would encourage a full survey. I would encourage research. I would encourage a very intentional committee to go out and look at the numbers and put a tiered plan in place, a five-year plan with significant improvement year over year with accountability metrics in place.

But, again, it goes back to getting out and articulating a proposition of the university by region and on a national scale and, in some cases, internationally where it makes sense so that those folks know what we're offering at SC State University.

SENATOR SCOTT: Yeah, some of the schools were, such as -- I'll be brief. Some of the schools like Francis Marion have gone to a regional concept, and even in going to a regional concept, it has a good draw of African-American students.

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But I don't think it's doing all of what you're talking about even. That used to be one of the largest areas we drew from for students, throughout the Pee Dee, until Francis Marion changed its concept.

If you're elected to the board, I'll be happy to see you four years down the road to find out just how well your plan actually worked. Thank you so much for your willingness to serve.

MR. ALLEN: Absolutely. Thank you.

REPRESENTATIVE KING: (Raises hand.)

CHAIRMAN SENATOR PEELER: Mr. King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

I appreciate your comments. I want to first start off by saying that in recent, we have had some of the most amazing candidates that are interested in South Carolina State.

I have a couple questions for you, and I want to first start off by saying all HBCUs across the country -- I'm a graduate of an HBCU, Morehouse College in Atlanta, your hometown. But all HBCUs are experiencing a decline in the number of students because we are now competing with other universities who are able to give scholarships that we cannot give.

Would you agree with that?

MR. ALLEN: I agree.

REPRESENTATIVE KING: The other thing I think that South Carolina State has -- and I'm asking if you agree with me -- is an issue with facilities, dormitories that are not up to par.

So when we're talking about diversity and when you have other universities across this state that offer a better living environment, would you agree that that is going to be an issue? As you have promised here to bring about diversity on that campus, until we can cure some of the ills that are there in reference to infrastructure, those will be issues to bring about diversity on that campus.

MR. ALLEN: Absolutely.

REPRESENTATIVE KING: My next question to you is, as a very busy man, as I would assume, what do you think is the time commitment to be a board member and to be an effective board member on the South Carolina State University board of trustees?

MR. ALLEN: You know, from a leadership standpoint -- and, again, the fundamentals don't change with leadership. I mean, you've got to -- you've got to go in, and you've got to look at the programs that the current board is undertaking and, obviously, make a seamless transition to support those programs.

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But from an implementation perspective, I would say anywhere from two to four years -- really four years -- three to four years to see some real results and start tracking them from a metrics perspective.

REPRESENTATIVE KING: My last question is what do you think is the role of the board of trustees in reference to influence from elected officials? When serious decisions have to be made about the university, who do you listen to? Do you listen to your -- to your faculty, your staff, your students, and to your heart, or do you take the advice from the elected officials who make it and elected you?

MR. ALLEN: Well, I think that -- I'm going to use the term cross-pollinization again. I think that cross-pollinization has to take place across the full spectrum because the issue -- the students are the number one customer. You've got the faculty and the staff that's right there as the governance body making a, you know, salary. But then you've got the board of trustees that's the governing body, but then obviously you've got the Governor and you've got the General Assembly, who you ultimately report to.

So you've got to make sure that they're getting all the facts and the details, and you've got to be able to sit down and map out a plan that's feasible and viable from a long-term sustainable solution perspective. I know we didn't talk about any specific examples, but, you know, you've got to look at it from that standpoint.

REPRESENTATIVE KING: Well, if you are a part of the board -- and South Carolina State has made amazing gains in the past few years -- I would hope that you will mesh well with the board and move this university forward.

MR. ALLEN: Yes, sir.

REPRESENTATIVE KING: Thank you.

MR. ALLEN: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR ALEXANDER: Mr. Chairman, just a couple...

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

And, again, thank you for your willingness to serve.

A couple of things here. Where it -- where it says that you visited, how often do you visit, or how often have you visited the university?

MR. ALLEN: Well, quite -- quite periodically. Again, I was chairman of the board of visitors. I was in the -- you know, part of the football program.

SENATOR ALEXANDER: Are you on the board of visitors now?

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MR. ALLEN: I'm not, no, sir. You know, that board was put in place to support the board of the trustees over a decade and a half ago, and I served about eight years on that board.

But I get back to speak and give back to the university. That's my obligation. I get back to serve as an Executive Speaker Series speaker. I was part of the School of Business when we got accredited, so I pat myself on the back for being a part of that -- that precedence for the School of Business. But I do get back, and I fundamentally focusing on the engineering school and the School of Business. I'm not a -- I don't have an engineering degree, but what we do today is engineering-focused on oil and gas and the power side.

SENATOR ALEXANDER: Would your work have any -- allow you the opportunity to attend meetings as necessary?

MR. ALLEN: That's one of the conversations I had with our CEO. He understands my commitment to the university, and I'm going to remain flexible in both being there, present, and for all the official meetings.

SENATOR ALEXANDER: Okay. And I looked -- it looks like you're involved in your -- how long have you lived in the Greer -- the greater Greer area?

MR. ALLEN: I built my first home in '04 in Greer. I didn't live there until 2013 because of all the international travels.

SENATOR ALEXANDER: Great. Well, it looks like with the -- you work there in the community with several different boards. I commend you for being involved in your community as well as your willingness to be on the board at SC State.

MR. ALLEN: Yes, sir. Thank you.

SENATOR ALEXANDER: Favorable.

CHAIRMAN SENATOR PEELER: The motion is favorable.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion?

I've got a quick one. Was Willie Jeffries your coach?

MR. ALLEN: Yes, sir.

CHAIRMAN SENATOR PEELER: What would he say about you?

MR. ALLEN: I'm not sure if I want to put that on record.

CHAIRMAN SENATOR PEELER: No further discussion. We'll take it to a vote. All in favor, raise your right hand.

Thank you, sir --

MR. ALLEN: Thank you.

CHAIRMAN SENATOR PEELER: -- for your service.

MR. ALLEN: Absolutely.

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REPRESENTATIVE WHITMIRE: Mr. Chairman, Representative King asked -- his proxy is favorable.

REPRESENTATIVE CLARY: And I have Representative Davis's.

CHAIRMAN SENATOR PEELER: Representative King and Davis favorable.

SENATOR ALEXANDER: That was the best question of all. We should have started with that one.

CHAIRMAN SENATOR PEELER: We'll come back into order. Next, the 6th Congressional District, Seat 6 for the South Carolina State University board of trustees under Tab 8, Wilbur Shuler from Orangeburg.

Mr. Shuler, for the record, if you would, give us your full name.

DR. SHULER: Wilbur B. Shuler.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. SHULER: I do.

CHAIRMAN SENATOR PEELER: Thank you. Would you like to make a brief statement?

DR. SHULER: Yes, sir.

A couple of things right off the bat, I'll say this right quick because I heard some questions come about it while I was sitting back there. I'm a fiscal officer, so I deal in general numbers. The populating enrollment for the first semester was around 2,400. The second semester was around 2,200.

We do have an agreement with MUSC. We have a nuclear energy program that's at -- where we have an agreement with Savannah River. And we do -- are working on -- I'm not sure if they're completed yet -- an agreement with Francis Marion as it relates to a speech, language, and hearing opportunity.

We do have 33 chapters in our alumni association, and each of those assoc -- each chapter, each has a training person for recruiting. So I just wanted to make sure I get that right quick.

I want to thank you again for allowing me to apply for this position on the board of trustees at South Carolina State. You have been provided with my qualifications. I tried to make sure that I gave you as much as I can so that you can keep these discussions to address concerns of yours and not concerns of mine.

I'm supposed to have 15 minutes, but I'm going to do less than 5 minutes to give you an opportunity to make sure that I have an opportunity to address your concerns.

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CHAIRMAN SENATOR PEELER: Who told you you had 15 minutes?

DR. SHULER: Well, that was on the -- that was on the sheet.

CHAIRMAN SENATOR PEELER: What staff member put that on the sheet? Sorry.

DR. SHULER: I make sure I read the sheet. I'm sorry I missed another item, but I make sure I read the sheet.

That interim board that you all put in place some time ago had a point of stabilizing the university, and that, they have done. In other words, they stopped us from sinking, and they stopped the bleeding, as the old folks say.

This -- all of this has been done, and we're now on a new -- charting a new course. The tide has actually changed. Some of the new board -- my fellow board members have introduced ideas to the university, as I have, to try to improve the situation at the university.

I must say again at this point, I'm a fiscal officer, so some of the things that you may ask, I focus very clearly and very strongly on the fiscal operations of the university. I have been an administrator and a SACS evaluator for many, many, many years. And so I've -- my focus has always been on those -- on those items.

While I have been involved with evaluating the board of trustees at other universities -- at another university and I have been involved with evaluating the academic strength of a satellite university, my strength is still with the fiscal affairs area.

One of the sad things that I had to realize when I became a board member is that -- many of us being raised by a single mother and a single grandmother, we were always taught to look at a situation and try to fix it. Don't complain about it over and over again, but do something about it.

Well, when I got on the board, I brought that attitude with me. But as a board member, according to Belle Wheelan, the president of SACS, she told me that I'm going to have to throw that aside because if I got involved with trying to fix things, that crosses over from the board responsibility of policy into the area of administration. That hurts me, but I have to deal with that.

A major item that I've been concerned about with that has been with our financial reporting. And when I look at financial reporting, I know that you may not know what these acronyms mean, but IPES and NACUBO.

NACUBO I can tell you about because that's the National Association of Colleges and Universities Business Officers. SACS relies on them to provide the basis for the structure of a university, and I have been

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constantly looking for reports that will reflect that. I know that the reports that we've been giving to you all in the General Assembly does follow that outline, instruction, academics, reporting those things. But some of the internal reports of which I rely very heavily on -- on which I rely very heavily does not always reflect that.

But there have been some novel ideas that came up in our board -- in our board meetings about how to improve enrollment, how to improve our image, and so those ideas have been presented to the university, some of which have been looked at. I would like to see some of them more actively -- more action on some of those. But as a board member, I have to, as Belle Wheelan said, bite your tongue and keep talking and keep pushing, and maybe they will come to fruition.

So having said that, South Carolina State has a unique -- is a unique university. It's -- it prepared -- it takes -- I'm going to use a word here. It takes a diamond in the rough and polishes it very well. And it also takes those who -- those polished diamonds and makes them shine even more.

I have personal experiences with those because I got out of high school and I don't know whether I would have gotten into any college or university at the time. And I'm -- at that time, you had -- you had zero courses of math and English. If you didn't score a certain level, then you were in that -- you were placed in that category.

Well, I had zero math and zero English, but when I went to the math instructor, she told me I didn't need that, that I was on the cusp of being a person that really needed to be in her regular class. And she said that she will work with me -- if she sees that I'm falling behind, she would work with me and call me in and give me the kind of instruction that I needed so that I could be successful in that class. She did.

The English lady said the same thing. But since I came up in the, quote-unquote, ghetto, I didn't think that my vocabulary was sufficient to skip that level. I didn't think I spoke the proper English in order to skip that level. So then I went ahead, and I went ahead and enrolled in that.

And you can see from my resume that I gave you that South Carolina State not only prepares people to be successful in their field, but they'll prepare you to go anyplace. You can see that I have a master's -- one of my master's degrees from the University of South Carolina, and my doctorate is from the University of Memphis. So South Carolina did give me a first-class education.

My son, whom I didn't think would get out of high school, came to college, and now he has two master's degrees simply because of the kind of relationship that the university has with its students. And my daughter, who could have gone anyplace -- Yale, UCLA, Harvard, anyplace -- and

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she would have been successful, she came there, and now she's a pediatrician.

So the point is, South Carolina State is able to take people where they are and carry them where they want to be. And so that's the kind of thing that I think -- the value that South Carolina State has to this community and for the community at large.

I'm ready for you.

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: That would be a great motto.

Senator Scott.

SENATOR SCOTT: Mr. Chairman, let me thank Dr. Shuler for his many years of working at the institution.

Outside of, I guess, some other fundamental questions in the back that we've got some concerns about, I want to just move a favorable report unless somebody has some pending --

REPRESENTATIVE WHITMIRE: I've got one question.

SENATOR SCOTT: You've got one. I'll withhold that. Go ahead. I'll withhold.

CHAIRMAN SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Thank you, Senator Scott.

I meant to ask this of some of the other folks that are incumbents. Has State been able to stabilize their enrollment numbers? You know, for several years, they were losing quite a number of students. Have you been able to rectify that situation?

DR. SHULER: Well, the university enrollment went up to about 2,900, and it has been fluctuating, and that's why it's dropped right now. There are things that we can do as a university to reverse that trend, and I told them that I thought that the university enrollment should be around 4,500.

That was shared by many of the board members and many of the staff. But the problem is, I can't fix that. I can continue to point out things that need to be done, and some of these things, Ray Charles can see. But I need to -- I have to keep my position as a policy person as opposed to an administrator.

REPRESENTATIVE WHITMIRE: Right.

DR. SHULER: And having served as an administrator for years, it is -- it's a little difficult to stand back and see something that you know needs to be done but you can't get in there and do it.

REPRESENTATIVE WHITMIRE: It seems to me like State is suffering from other schools drawing a lot of the students that originally went to

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State that may be going -- getting other opportunities now, particularly in this state.

And I realize you depend heavily on, you know, students who come in and -- you know, and help fund the university. So once you don't have the 4,500, it's going to be tough to meet all your obligations. So I wish you luck in trying to get those numbers back up.

DR. SHULER: Yeah, that's correct. One of the things that you will see, that we need to -- the General Assembly, in its wisdom, put forth to the traditional white institution a requirement to increase their minority enrollment. The unintended consequence of that is that it negatively impacts South Carolina State.

That means that we have to do things differently. We have to go after not the A students because the University of South Carolina and some of these other major universities are going to get them. We have to put forth a strong effort for the B and C students because they are being ignored. And because South Carolina State can take you where you are and carry you where you want to be, we need to focus on that, and that's where we will get our students.

We will not get our students by constantly and continuously looking for the 4-point grade point average students. We know we can do well with those who are not. I'm an example. My son is an example. And the gentleman that you had just before, Jameel, is an example, and I think he told you his grade point average was 1.9. I beat him by one point. I think mine was 2-point.

But if we take these -- these are the kind of people that you can take, South Carolina State can take, and make them highly productive citizens. And so let the University of South Carolina and the others go after and get those students. Let's do what we do best. We take you where you are and carry you where you want to be. And that's my story.

REPRESENTATIVE WHITMIRE: Well, thank you very much. By the way, I had 1.3 my first semester at college. I had a real good time, though.

DR. SHULER: But I'm saying coming out of high school. I thought I was the sweetest thing since sliced bread when I went to college.

REPRESENTATIVE KING: Mr. Chair, I have a question.

CHAIRMAN SENATOR PEELER: Mr. King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

Can you tell me what is the graduation -- from freshman year to graduation, how long is it taking your students?

DR. SHULER: Well, it's taking a student now about five years. Now, I cannot put that down and swear to it, but it takes about five years.

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There are some programs that we have on campus that are six-year programs, especially the program in engineering. That is not a four-year program by any stretch of the imagination. Those -- those by nature are six-year programs.

So I want to believe -- my son graduated in four and a half years. My daughter graduated in four years. And I think I took a little longer. But I can't -- I want to believe that it's around five years with all of the things that I know about South Carolina State.

REPRESENTATIVE KING: Thank you, Mr. Chair.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR SCOTT: Mr. Chairman, a question.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you.

You made a statement a minute ago that the other schools are taking your students when I'm watching on a ten-year span the growth of South Carolina, almost 600,000 students -- 600,000 in population. And also I'm looking at students who, prior to the diversity part, five or six -- seven years ago when I really began to talk about diversity, trying to keep some of our best and brightest in the state.

Is it -- is it really taking the students, or is it cost to go to school? A student -- a student -- I'll give it to you. Is it cost to -- are they taking the students, or is it cost to go to school, or is it curriculum in terms of some of the course and the outlining and stuff that these other schools are offering that become attractive?

Because our biggest concern with the larger schools is enrollment of out-of-state students, and always the real question is how we keep the best and brightest kids at home. And even looking at the HBCUs -- and I work with all of them in terms of having scholarships and also keeping the cost of going to the schools down.

What's the real challenge? No one can take your student if you offer a student what they want, and with many cases, even in working with some of the larger universities, they say we can't afford to get those students because we don't have the money for scholarships. So really, what's really happening?

You said 4,500, and we saw 4,500. There was a real issue with deferred maintenance and housing and a number of issues and balancing the books, and of course you were a part of the administration at the time. So really -- really, other than just an open statement and with your statistical background, really what is the problem?

DR. SHULER: I'm trying to be careful in what I say --

SENATOR SCOTT: Say what's on your mind.

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DR. SHULER: -- in an open meeting here. But the -- one of the -- when it comes to the programs that we have, we have -- we have programs where we have faculty and students to support them.

And often there are programs that we want to put in place because we think the community and the state and the nation need them, but we can't put them in place because we have not been able -- unable to find students that -- in large enough numbers that were interested in those particular programs.

So we have a -- we have a problem there of trying to let them know that these are viable programs, these are viable fields to make a career in, not just a job, but to have a career in these fields. So that is one thing.

You mentioned about the condition of the facilities. I have a -- I have a concern there that's probably beyond one of the concerns that others have. Many years ago, South Carolina -- the state of South Carolina allowed the university to have tuition and a university fee.

Tuition was for major renovations, repairs, and debt service, so that anytime a roof went bad on a facility at South Carolina State, we sent the form to Grady Patterson and got the money down and fixed it. Now when we have a roof that needs repair, we have to come to the General Assembly, and by the time the General Assembly gets around to approving it, the top floor is already rotting out.

So we -- there are certain things that have happened over the years that have allowed us not to keep our facilities in the kind of condition that we need them to be. We have housing that -- student housing that are very good housing, and after so many years, the university is supposed to take them over.

But in Wilbur Shuler's opinion -- and that's my opinion. It doesn't make it right or make it wrong. It just makes it my opinion, is that we have disposable housing. And by that, I mean in 20 years, they need to be replaced. So in 20 years when you give them back to me, you know, I have nothing.

So there are a lot of things about that when you look at housing that, while we try to keep them up, when -- we do have a problem there because of the way we do it. And many universities are going to outsourcing these kinds of things, and outsourcing is fine. But I've always thought that the more I have under my thumb, the better my facilities and better my everything is going to be and I should not be relying on someone else's level. I want my level of sufficiency to come.

There was a third one that you mentioned that I'm missing.

SENATOR SCOTT: You were -- about the student part, actually offering curriculums that these students are attracted to.

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DR. SHULER: Yeah. What they think there is the -- one of our -- one of our programs, the nuclear engineering program, it's one that every -- in which -- it seems to be top-notch for people who are interested in coming to the university. The speech, language, and hearing is another one. And engineering is not a cheap, inexpensive field.

SENATOR SCOTT: Well, education with teachers --

DR. SHULER: Yeah, education --

SENATOR SCOTT: -- since South Carolina State used to turn out more teachers than anybody else.

DR. SHULER: We used to turn out more teachers than anyone else. You're correct.

SENATOR SCOTT: So what's happened?

DR. SHULER: I'm not sure what happened. It bothers me because my wife went through that education program, and it was at the peak. And so in the years that we have been away, it's all of a sudden not where we think it needs to be.

So -- but the frustration that I have is that as a board member I can't fix it. And --

SENATOR SCOTT: Well, let's -- let me -- let's go right there. As a board member, it's your responsibility to ask the pertinent questions --

DR. SHULER: I do.

SENATOR SCOTT: -- to administration to try to figure out where the problems are so they can be fixed.

DR. SHULER: Yeah.

SENATOR SCOTT: If teacher education is going to be one of your number one programs, then you need to find out what the state needs to be doing, what the school needs to be doing, and moving in that area, especially if that was a -- a large area that we recruited science teachers, math teachers, K-12 teachers. I mean, that was a big issue, and that makes up at least a good thousand students --

DR. SHULER: Yeah.

SENATOR SCOTT: -- if you can build that department back.

DR. SHULER: And you're right.

SENATOR SCOTT: Thank you, Mr. Chairman.

REPRESENTATIVE KING: Mr. Chairman, I have a question.

CHAIRMAN SENATOR PEELER: Mr. King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

Mr. Shuler, I have a question for you. You said something that piqued my interest. Who hires the president of the college?

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DR. SHULER: The board of trustees hires and fires the president and sets policies, and those are the responsibilities, but who hires the president? It's the board of trustees.

REPRESENTATIVE KING: The board of trustees.

So when you told Senator Scott that certain things were out of your control, I think the General Assembly has elected the boards of trustees across this state at the best interest of the state and the students. So if you see something that is wrong as a board trustee, don't you think you have an obligation?

DR. SHULER: Yeah, we have an obligation and a duty to do exactly that. And I don't -- I don't make any bones about it. Yes.

REPRESENTATIVE KING: So moving forward, your -- as you are asked that question and as you reflect as a board member and as you sit behind that table or that desk there in Orangeburg, remember that we put you there to make those decisions. Sometimes they are hard.

And I say that with all due respect because the people that you see sitting around this table, and especially Senator Scott and I and our communities which we represent, we were hit extremely hard when it came to South Carolina State. And so, you know, I have an expectation of all the board members that go down to South Carolina State to represent us, the people that sit around this table, well. And if at any time that you all feel that you can't, please let us know.

DR. SHULER: No problem.

REPRESENTATIVE KING: Thank you.

DR. SHULER: None whatsoever.

CHAIRMAN SENATOR PEELER: What's the desire of the committee?

REPRESENTATIVE WHITMIRE: Favorable.

SENATOR SCOTT: Favorable.

CHAIRMAN SENATOR PEELER: Favorable and seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous, including Ms. Davis.

Thank you, sir, for your willingness to serve.

Members, that completes our agenda on South Carolina State.

SENATOR ALEXANDER: That was with additional information we were provided.

MS. CASTO: Right.

Mr. Shuler --

CHAIRMAN SENATOR PEELER: Pending the information you're going to get staff.

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REPRESENTATIVE KING: Mr. Chair, I make a -- let's go back over that. I make a motion to give him a favorable report with the additional information being in the office by 12 noon tomorrow to staff.

CHAIRMAN SENATOR PEELER: Without objection.

Thank you, sir.

CHAIRMAN SENATOR PEELER: We'll go to At-Large Seat 8 at Tab F, Louveta Dicks from Rock Hill.

Good afternoon, ma'am.

MS. DICKS: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. DICKS: Louveta Roseboro Dicks.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. DICKS: I do.

CHAIRMAN SENATOR PEELER: Thank you.

MS. DICKS: Good afternoon. I'd like to --

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement? Sure.

MS. DICKS: I'd like to start by saying thank you for this opportunity to be considered for a seat on the board of trustees for my beloved university, South Carolina State.

My -- my roots run pretty deep. As a supporter, my family has been involved with attending South Carolina State for many years. Oddly enough, my mother grew up in Columbia. She was a member of a family of ten. Her mother was a stay-at-home mom, and there was not a whole lot of money, quite honestly. But her father and -- well, her parents had a strong belief in education, and all five girls received degrees from South Carolina State.

To put that into context, I'm probably a little older than most of the other candidates at this point. My mother is a graduate of the class of 1948. And she still is actively involved in her support of the university, and that support and that role model, it affects me and encourages me to give the best I can give to the university as well.

I know that we have a proud history at South Carolina State, and as a child who grew up in the '60s and a former history teacher, public school administrator, and middle school principal, I can weave that history lesson together in my mind at times. So I'd be happy to entertain any questions that you have for me.

CHAIRMAN SENATOR PEELER: Certainly.

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Questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: I thank you for your willingness to serve. Tell me a little bit about your of late activities that you've been involved in South Carolina State on or either off the campus, if you've had any involvement.

MS. DICKS: I've had --

SENATOR SCOTT: I noted something from the -- from the other role. You spent a lot of time doing the K-12, which I'm very happy to see you did that.

MS. DICKS: Yes, I --

SENATOR SCOTT: But tell me about some other involvement.

MS. DICKS: In the 2000s, being that I fully believe in being a life-long learner, I earned an educational specialist degree in 2007.

SENATOR SCOTT: Right.

MS. DICKS: And I followed up with my doctorate of education. I think that was 2014.

SENATOR SCOTT: Right.

MS. DICKS: So I was on campus a lot of times during the time when I was taking classes.

Additionally, some of those classes were offered at the Rock Hill School District office. It was a cohort group, is how I really got started in the educational specialist. And that cohort was very inclusive. There's been a lot of discussion about diversity. So that was one of the times that different individuals were able to have positive impression of South Carolina State and to participate in the educational process as well.

In addition to being a student, I attend -- I'm a -- we're season football ticket holders, so I'm at the home games and some of the away games. I participate in alumni activities. I'm a member of the York-Chester alumni association. I am a life member of the national alumni association.

As I've stated, my mother is a supporter, and she rarely misses an opportunity to give back and to attend the foundation's gala. So we were at the gala a couple weekends ago, and being that my mother is 92 now, she made a plea. She put that plea out early on, for all of the siblings and their family members to attend.

I have another -- I'm the oldest of three girls. I have another sister who also attended SC State, and I -- and then I have what we call the USC Gamecock action. I have my middle sister who went to USC, and her daughter is currently a senior journalism major at USC. So everybody was there.

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SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Mr. Clary? No.

What's the desire of the committee?

REPRESENTATIVE CLARY: Favorable.

REPRESENTATIVE WHITMIRE: Favorable.

CHAIRMAN SENATOR PEELER: The motion is favorable. Seconded.

Any discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you.

MS. DICKS: Thank you, sir.

CHAIRMAN SENATOR PEELER: With proxies, Davis...

REPRESENTATIVE CLARY: Yeah.

CHAIRMAN SENATOR PEELER: You're unanimous. Thank you, ma'am.

CHAIRMAN SENATOR PEELER: Now we go to South Carolina State University, Tab T, Doward Harvin from Florence.

Good afternoon, sir.

MR. HARVIN: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. HARVIN: It's Doward Keith Karvel Harvin.

CHAIRMAN SENATOR PEELER: All right. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. HARVIN: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. HARVIN: Just that I'm happy to be here, happy to be back before you again, and I'll try my best to answer any questions that you all may have for me.

CHAIRMAN SENATOR PEELER: Questions? Comments?

Give you a chance to catch up.

SENATOR SCOTT: (Raises hand.)

MR. HARVIN: While you all are --

CHAIRMAN SENATOR PEELER: Mr. Scott -- what, would you like to add to your--

MR. HARVIN: Go ahead.

SENATOR SCOTT: Yes, sir. Tell me about your experience since you've been on the board.

MR. HARVIN: I've had a -- I've had a very pleasant experience. Being one of the new guys to join the group that was already there, I feel like

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they did a good job of bringing me up to date and -- or bringing me up to speed about what was going on at the university.

They allowed for me to ask questions, even the dumb ones, so that I could figure out some of the small details about things that were going on. And even, you know, when we disagreed -- which I think any competent board should disagree -- I think it ended with the vote, and we moved on to the next thing.

And so I think that's a testament to just the group of people that we already have serving on the board of trustees.

SENATOR SCOTT: So how healthy is the board now?

MR. HARVIN: I think it's -- I think it's going fine. When you say "health," what is it --

SENATOR SCOTT: Healthy, growing, moving forward.

MR. HARVIN: Oh, yeah, yeah.

SENATOR SCOTT: Getting the issues solved. How healthy is the board?

MR. HARVIN: So we have -- well, they, they had already created committees to deal with particular issues, and so the committees meet as needed. Sometimes we create ad hoc committees to deal with specific issues, and so just as quickly as we can, we try to deal with what we have been presented with.

And so I haven't -- I think it's pretty healthy as far as that, that issue.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion is a favorable report.

(Motion is seconded.).

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion?

Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, sir.

MR. HARVIN: Thank you.

CHAIRMAN SENATOR PEELER: Appreciate your willingness to serve.

MR. HARVIN: And just briefly, I would like to thank you all for continuing to support the university.

SENATOR SCOTT: You're welcome.

MR. HARVIN: You all have a blessed day.

CHAIRMAN SENATOR PEELER: And so I move to Tab 8, At-Large Seat 12, Ronald Friday from Blythewood.

Good afternoon, sir. For the record, if you would, give us your full name.

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MR. FRIDAY: Ronald D. Friday.

CHAIRMAN SENATOR PEELER: And let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. FRIDAY: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. FRIDAY: Yes, sir.

Good afternoon, Honorable Peeler and distinguished members of the South Carolina College and University Screening Commission. I am grateful and honored for the opportunity to share my expertise obtained from the military and the institutions of higher learning with their prestigious history and South Carolina State University.

Throughout my journey and professional and personal life experiences, it is always -- it has always and always will be about excellence to ensure our greatest resource -- in this situation, the students -- prosper through a transformational process.

With your endorsement today, I can assure you with my unquestionable commitment, courage, competency, and candor, South Carolina State University will become an institution that others will choose to emulate.

Finally, almost two years ago, I appeared before this committee, receiving a favorable recommendation. Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments? What's the desire of the committee?

SENATOR SCOTT: Favorable.

CHAIRMAN SENATOR PEELER: Favorable.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

REPRESENTATIVE CLARY: And Ms. Davis.

CHAIRMAN SENATOR PEELER: And Ms. Davis.

MR. FRIDAY: Thank you, sir.

REPRESENTATIVE WHITMIRE: Thank you for your service to the nation.

CHAIRMAN SENATOR PEELER: Thank you. What rank were you?

MR. FRIDAY: Command Sergeant Major, sir.

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CHAIRMAN SENATOR PEELER: I'd like to call this back to order.

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I'd like to welcome the Senator from Newberry, Senator Cromer, here as an observer.

SENATOR CROMER: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Now we're on the University of South Carolina, 1st, 2nd Judicial Circuit, Miles Loadholt from Barnwell.

Good afternoon, sir.

MR. LOADHOLT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name. Give us your full name.

MR. LOADHOLT: Miles Loadholt.

CHAIRMAN SENATOR PEELER: Good. Now let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. LOADHOLT: I do.

CHAIRMAN SENATOR PEELER: Thank you. If you'd like to take a seat, you can make a brief statement if you desire.

MR. LOADHOLT: I'm Miles Loadholt from Barnwell. I grew up in Fairfax, South Carolina, which is in Allendale County, and attended public schools and graduated from Allendale-Fairfax High School.

I was fortunate enough to go to the University of South Carolina, graduated from business school in 1965, and I've been fortunate to go to law school and graduated from law school in 1968 and have been a practicing attorney in Barnwell since 1968.

My wife is a University of South Carolina graduate, and my daughter, who was here earlier, is a University of South Carolina graduate and is a practicing attorney in Columbia. And to the best of my knowledge, my wife and my daughter are the only mother-daughter homecoming queens in the University of South Carolina history.

But I've enjoyed serving the University of South Carolina. I served on the board of the Western Carolina Higher Education Commission for 25 years and served as vice chairman for 20 years. And I've served on the University of South Carolina board of trustees since 1996. And I have established scholarships for deserving students at the University of South Carolina Salkehatchie, at the University of South Carolina Aiken.

And my wife and I have funded and endowed a professorship at the University of South Carolina School of Law, and my wife's portrait and my portrait both are -- I -- are on display at the new University of South Carolina School of law. And to the best of my knowledge, my wife is the only non-lawyer who, or non-judge, that has her portrait displayed at the law school.

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But I've been very active. I've been a member of the Gamecock Club for something like 52 years and the alumni association for the same amount of time, I assume. And I have devoted a lot of my time and efforts towards serving the University of South Carolina and would appreciate the opportunity to serve an additional term on the USC board of trustees, and I'll be happy to answer any questions.

REPRESENTATIVE KING: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Thank you, sir.

Any questions or comments?

Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

Mr. Loadholt?

MR. LOADHOLT: Loadholt.

REPRESENTATIVE KING: Loadholt.

Mr. Loadholt, how long have you served on the board of trustees?

MR. LOADHOLT: Twenty -- almost 24 years.

REPRESENTATIVE KING: Twenty-four years.

So recently you all made decisions on the president of the university.

MR. LOADHOLT: Yes, sir.

REPRESENTATIVE KING: What or who influenced your decision, and how did you vote?

MR. LOADHOLT: Well, I -- a lot of things influenced my decision, but it -- how I voted was my decision.

REPRESENTATIVE KING: And what --

MR. LOADHOLT: And the matter that we took a vote on was that we would continue the search committee.

REPRESENTATIVE KING: Mr. Loadholt, I'm a type of person if I ask a question, I just like a direct answer. So I will repeat the question for you.

MR. LOADHOLT: Well --

REPRESENTATIVE KING: And I would hope that you would answer --

MR. LOADHOLT: -- there were several votes taken.

REPRESENTATIVE KING: Okay. Well, the vote that I'm speaking of or I would like to have an answer to, or the question that I would like to have an answer to, is what or who influenced your decision?

And I know there were probably a lot of things that influenced your decision, but I would like examples.

MR. LOADHOLT: It was the -- persons that were presented as finalists to the board of trustees that I studied their backgrounds, interviews, and things of that nature, and that was the thing that influenced my decision.

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REPRESENTATIVE KING: Okay. My next question, if you heard me earlier, is I speak a lot about diversity. The University of South Carolina, in my opinion, falls very short when it comes to diversity. As a member of the General Assembly, as a member of the South Carolina Legislative Black Caucus, I've heard on numerous occasions of the disparities in reference to African Americans or people of color at the University of South Carolina.

I asked you earlier how long have you been on the board. You told me 24 years. Mr. Loadholt, how do you feel the University of South Carolina has progressed since your service on the board of trustees in reference to African-American enrollment, African Americans in administration, African Americans as faculty and staff, as well as the enrollment, which I feel are deplorable, when it comes to the number of African Americans in the law school there at the University of South Carolina? Can you answer those for me, please?

MR. LOADHOLT: Well, as far as the number of African Americans, I think the University of South Carolina does a reasonably good job.

We graduate more African Americans than any other school in the state. We graduate more than South Carolina State. We graduate twice the number of Clemson -- than Clemson does. And we also have increased the African-American percentage of -- I mean African-American graduations by, I believe, 50 percent over the last three years. So we're making progress.

REPRESENTATIVE KING: And Mr. Chairman, this is my last question, slash, comment.

So I asked you several questions. I asked you questions about the influence that you encountered in reference to the decision on the president. I asked you about your service there and the number in reference to how -- when you started to now in reference to African Americans in the university system, be it students, employees, whatever.

And that is where I find issue, did you know, Mr. Loadholt, is that when you can sit here and tell me that you think it's fine and I know that it's not. That's when I have an issue.

MR. LOADHOLT: Well, I didn't say it was fine. I said we could do better.

REPRESENTATIVE KING: Okay. Thank you.

Thank you, Mr. Chair.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

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Welcome, Mr. Loadholt, and I'll just ask you a simple question. Did you vote for or against General Caslen to become the president of USC?

MR. LOADHOLT: Against.

REPRESENTATIVE WHITMIRE: Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

Welcome, Mr. Loadholt. I appreciate your service.

In looking at what transpired earlier -- or last year and then the subsequent SACS investigation of the university, what steps are you seeing that are being taken by the board to address the issues raised by SACS and to prevent this type of thing from occurring in the future?

MR. LOADHOLT: Well, this is the SACS report, and they -- the administration is --

SENATOR ALEXANDER: Could he speak into the microphone?

CHAIRMAN SENATOR PEELER: Yes, please, sir.

SENATOR ALEXANDER: Please speak into the microphone, so we can...

Thank you, Mr. Chairman.

MR. LOADHOLT: -- formulating a plan on exactly what we're going to do to comply with the SACS --

REPRESENTATIVE CLARY: I didn't ask you what the administration was doing. I was asking what you as a board member want to do to improve the situation because, at the end of the day, the board of trustees sets the policy.

And the recommendation that the administration might make might be one that's not acceptable to you. What do you envision doing? Because you've read that report, I assume.

MR. LOADHOLT: Yes, sir. We've had a -- establishing a committee on governance, and that is in the process of being done as we speak.

REPRESENTATIVE CLARY: You've been a member of the board now for 24 years. What type of orientation and training did you receive when you came on the board, and what transpires now that enables you to be a good and effective board member?

MR. LOADHOLT: Well, we have a number of board retreats where we have -- it's very educational. The new members of the board go through a very intensive orientation.

When I was first elected to the board, we went on like a three-day orientation program, and so a very good orientation program exists for new members. And the education is -- is continuous through board seminars and retreats and things of that nature.

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REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you for your willingness to serve, Mr. Loadholt.

I want to go back to a comment you made a minute ago. What is the total student population at USC? Undergraduate, because you mentioned y'all graduate more than South Carolina State.

MR. LOADHOLT: About 52,000 total.

SENATOR SCOTT: Okay. So if you -- so if you take the 52,000, and your enrollment of African Americans is 5.3, just your enrollment by itself is going to be more students than at South Carolina State College. Of course you should be graduating more African-American students than South Carolina State College.

There's a report called the Hechinger Report that talks about the many flagship schools that leave blacks and Latino students behind. If you have not seen the report, I would invite you to look at that report. It includes the flagship school of the University of Mississippi, University of South Carolina, Georgia, Louisiana, and Delaware, and I would -- and I really hate to report it, but Mississippi had a better enrollment than we did in South Carolina, did you know, of ten percent. Our number was pretty close to what Delaware was at five percent.

I would simply say to you, I don't know what's going on with your intake system as it relates to enrollment, but your numbers really don't look well. And so to be a flagship university, I would be expecting a little bit more than what I'm actually seeing.

And it's a lot of work, but you've been there 24 years, so you've had a chance to really take a look at the system and to understand the system probably a little bit better than some of your other colleagues that have been there for a while. So I don't know what your plans are to try to help improve that intake system, but I will say to you, it's broken. It's really broken.

And so to make an open statement like that I think is one that -- you know, I'd like to see you back with a little bit more facts than just say to a school that has about 2,200 kids and I've got 52,000 kids -- I mean, that's no comparison and a no-brainer.

MR. LOADHOLT: Well, I think the key to that is keeping college affordable.

SENATOR SCOTT: Well --

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MR. LOADHOLT: And I think that's the key to it, and we've had so many cuts in -- that required some type of increase in tuition and things of that nature. But I think, you know, if we could get our state funding to where it was...

SENATOR SCOTT: When you came on 24 years ago, what was the cost of tuition at the university, if you can remember?

MR. LOADHOLT: I can't give you an accurate figure. I mean, I don't remember. You know, 24 years ago, I can't remember.

SENATOR SCOTT: It was probably 4- or \$5,000, compared to --

MR. LOADHOLT: Probably. For an in-state tuition now, it's right at \$15,000 a year.

SENATOR SCOTT: Some say 22 to 24 when you add up all the extra frills that go with it.

MR. LOADHOLT: Well, when you add up the meal plans and things of that nature...

SENATOR SCOTT: So I'm saying, a lot of it has been -- what tuition costs has been for other expansion programs on the -- on the campus other than the educational part, construction, and a lot of the other universities have done the same thing. And so we have to, outside of just saying, did you know, the General Assembly needs to do more, because we are giving more so that eventually you start freezing it.

What I do know is in 2001 when we did the lottery, we had just about enough money to send the kids to school. But it's now become a vehicle for colleges and universities to say, if you come here, we want you in the top 25 percent to get the lottery funding, and then the other 15,000 that you mentioned is what the kids actually pay. So we have to accept some responsibility at these institutions for increasing that funding.

On the diversity side again -- and that report, if you have not read it, please read it. It looks at how many of these students actually stay inside South Carolina, and that's been a real issue, keeping South Carolina students in South Carolina, and we've not done very well with that at all. And I think a part of that, when you look at the report, has been we're taking too many out-of-state students and using that as an ability to balance our budget, which creates some major problems in our institution.

And so I'm just saying, for someone who's been there that long, please take a look at financial stability and going forward because it may -- because the General Assembly is not going to restore what it doesn't have. And so --

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MR. LOADHOLT: Right. Well, our number one -- our number one responsibility is educating the students, the qualified students, from the state of South Carolina. No question about that.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good afternoon and thank you for your service on the board. How do you feel or what's your thoughts on the student government president and/or -- and/or a faculty representative being on the board?

MR. LOADHOLT: I would support them being voting members of the board.

SENATOR ALEXANDER: You would support them being voting members?

MR. LOADHOLT: I would, yes, sir.

SENATOR ALEXANDER: Okay. What is the average time from freshman to graduation? But before I leave that other question, why would you -- what is your thought process on having them serve as voting -- you would have them serve on the board as voting members of the board?

MR. LOADHOLT: Yes, I would. I -- because they participate in board meetings, and they give us a lot of information as to exactly what's going on with the faculty and the student body.

SENATOR ALEXANDER: Okay. Thank you, sir. Thank you for that follow-up.

MR. LOADHOLT: And they participate in the board meetings. They just don't vote.

SENATOR ALEXANDER: Okay. So how much is the average time from someone becoming a freshman to the time that they graduate at the university? What percentage of those, do you -- or is that information you can get?

MR. LOADHOLT: I -- I don't --

SENATOR ALEXANDER: Is it on the average?

MR. LOADHOLT: I don't have that information right in my head at this time. I can't -- I could guess at it, but I mean, I would -- I would just be guessing.

SENATOR ALEXANDER: Well, if you could just maybe get that information and provide it to us --

MR. LOADHOLT: All right.

SENATOR ALEXANDER: -- I'd appreciate that.

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How do you -- how do you rate -- you know, things are changing, and jobs, they're saying a lot today that maybe the jobs ten years from now don't even exist today. How is the university focusing on workforce or classes for individuals, for the students? I'm talking about students and getting that education to make sure that they're going to have the ability to have a job when they get out of -- and get their degree.

MR. LOADHOLT: Well, I'll just point you to our nursing program. We have the -- our nursing graduates have the highest average most anywhere of passing the nursing exam. And we've got to make sure that our law school graduates pass the bar exam, our medical graduates, and other students, yes.

SENATOR ALEXANDER: Do you know what percentage of your law students pass the bar?

MR. LOADHOLT: I think it's in the -- around 90 percent, the first time around.

SENATOR ALEXANDER: Okay. And since your last screening to now this period of time, how would you classify your attendance of board meetings?

MR. LOADHOLT: In 24 years -- well, you asked --

SENATOR ALEXANDER: Well, but you can go ahead and go back 24 years because we were talking about --

MR. LOADHOLT: I probably -- I probably have missed a handful of meetings in 24 years. Now, I -- we do have a lot of them by telephone now. Okay. But I probably have missed five in 24 years. I mean I wasn't there or on the phone.

SENATOR ALEXANDER: So am I hearing you that a lot of your board meetings are by teleconference rather than in board meetings -- in board

MR. LOADHOLT: Yes, sir.

SENATOR ALEXANDER: What percentage of those would be teleconference versus --

MR. LOADHOLT: Well, we have committee meetings, you know, if you've just got one matter to take up, you know.

SENATOR ALEXANDER: Well, how about regular board meetings, regular scheduled board meetings, do you have a lot that are calling from their home?

MR. LOADHOLT: We probably -- full board meetings, we probably have eight or nine a year, full board meetings. Now, we have plenty of committee meetings.

SENATOR ALEXANDER: I understand. But of those board meetings, do y'all allow conference call in, people to conference call in on those meetings?

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MR. LOADHOLT: Yes, yes. If somebody -- if somebody is out of town or if somebody is ill.

SENATOR ALEXANDER: Is the majority of the board teleconferencing in, or are the majority of the board there?

MR. LOADHOLT: No, I mean it's -- it's maybe one.

SENATOR ALEXANDER: Okay. Okay.

MR. LOADHOLT: Maybe one.

SENATOR ALEXANDER: Okay. Thank you, sir. I appreciate it.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

Mr. Loadholt, a question on tuition. Out-of-state tuition at USC, the tuition abatement, you're familiar with that, right?

MR. LOADHOLT: Somewhat.

CHAIRMAN SENATOR PEELER: Who made the determination at USC to allow tuition abatement for out-of-state students upward of 50 percent? Did the board, or was that an administration --

MR. LOADHOLT: It was not a board -- it was not a board decision that I -- that I recall.

CHAIRMAN SENATOR PEELER: Do you think it should be?

MR. LOADHOLT: I don't recall voting on that.

CHAIRMAN SENATOR PEELER: Okay. You touched on voting members of the board, restructuring the board, and you said that you would be in favor of that, of a member of the faculty or the president of the university -- the student body president to have a voting -- be a voting member of the board.

MR. LOADHOLT: I would support that.

CHAIRMAN SENATOR PEELER: Would you support further restructuring of the board?

MR. LOADHOLT: I'm sure I would. Yeah, I would have to see definitely what it was, but, yes, I sure would.

CHAIRMAN SENATOR PEELER: There's three bills before us now, S.798 and S.878 and House Bill 4752. Are you familiar with those bills that are pending?

MR. LOADHOLT: Yes, I am.

CHAIRMAN SENATOR PEELER: Do you have an opinion on those?

MR. LOADHOLT: I do.

CHAIRMAN SENATOR PEELER: Would you care to share that?

MR. LOADHOLT: I would be not in favor of those, and I can tell you why. I just don't think that all of our trustees should come from Greenville, Richland, Lexington, and Charleston.

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For instance, the -- what I represent -- I represent Aiken, Barnwell, and Bamberg County. Okay. We would not have a trustee if those bills would pass. So that would leave Aiken without a trustee. That would leave USC Salkehatchie, the two campuses, you know, without really a trustee, and possibly USC Beaufort.

And I think that, you know, if we have eight or nine campuses, I think they deserve representation on the board of trustees. I don't think all of the trustees need to come from the three or four largest counties.

CHAIRMAN SENATOR PEELER: I would --

MR. LOADHOLT: And I just think that, you know, when you have as many students as we do, it looks like -- for instance, the College of Charleston, as I understand it, has one campus, but yet they have 22 trustees.

So I just don't see why -- you know, you're talking about reducing the number of trustees and putting them all from the large -- from the metropolitan, larger counties. I don't think that is fair to the university system.

CHAIRMAN SENATOR PEELER: You're a trusted member of the bar. What's magic about a judicial circuit?

MR. LOADHOLT: What's magic about a judicial circuit?

CHAIRMAN SENATOR PEELER: Yes, sir.

MR. LOADHOLT: Nothing. I mean --

CHAIRMAN SENATOR PEELER: Do you think they're equally divided? Are they equally divided in population?

MR. LOADHOLT: I don't think they are.

CHAIRMAN SENATOR PEELER: Do you think they should be? I'm talking about the pool of candidates.

That's what I think we ought to have, is the congressional districts like -- almost all our higher education institutions, they come from congressional districts. I think USC is the only one that's limited to judicial circuits.

I just wonder what's -- what's magic about judicial circuits. It's not equal in population. I was just curious on your thoughts.

MR. LOADHOLT: Yeah, but --

CHAIRMAN SENATOR PEELER: You were talking about giving smaller counties a better shot. I think they'd have a --

MR. LOADHOLT: Well, we have a statewide system. I don't know that anybody else has a statewide system. We have 52,000 students, as I recall, and I think nine different campuses.

CHAIRMAN SENATOR PEELER: What does that have to do with judicial circuits?

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MR. LOADHOLT: Well, it gives you trustees that are from a smaller county that has a University of South Carolina campus.

CHAIRMAN SENATOR PEELER: Is there such a thing as having too many attorneys on a board?

MR. LOADHOLT: I have no control over who serves on that board. That's the responsibility of the Governor and the legislature. I -- so if they want to put the attorneys on the board or if they want to put whatever, I have no control over that, who serve -- who serves on our board.

CHAIRMAN SENATOR PEELER: Like this committee has no control of the candidates that offer also. And I thank you for offering.

SENATOR VERDIN: Mr. President?

CHAIRMAN SENATOR PEELER: Senator from Laurens, Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

You would advocate for faculty/staff or student or both, voting representation on the board?

MR. LOADHOLT: I would.

SENATOR VERDIN: I've never been to one of the meetings. I'm chagrined to say that. I wish I had attended a trustee meeting. I was invited one time by one of your former trustees.

But how many participate? How many faculty/staff and students participate in a board meeting? You said they participated, but they don't vote now. How many are we talking about?

MR. LOADHOLT: One faculty representative and one student body president.

SENATOR VERDIN: Okay. So you would just advocate for the one and one, the one to represent the entire faculty and staff and the one to represent the entire 52,000 students?

MR. LOADHOLT: That's correct, yes.

SENATOR VERDIN: No more? Certainly no more, or should we consider more?

MR. LOADHOLT: No, no more.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

REPRESENTATIVE KING: Mr. Chairman, I move unfavorable.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: I move for unfavorable.

SENATOR ALEXANDER: Second, with -- pending additional information.

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CHAIRMAN SENATOR PEELER: Motion is seconded, favorable report.

SENATOR ALEXANDER: Well, I'm sorry. You said --

REPRESENTATIVE KING: I said unfavorable.

REPRESENTATIVE WHITMIRE: He said unfavorable.

SENATOR ALEXANDER: Unfavorable? No. I'm sorry. Okay. I don't second that. I'm sorry.

CHAIRMAN SENATOR PEELER: Correction. The motion is unfavorable. Is there a second to that?

SENATOR SCOTT: I'll second it.

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion?

SENATOR VERDIN: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Well, it's not a debatable motion, but I'm going to --

SENATOR ALEXANDER: Use a microphone.

SENATOR VERDIN: Yeah, sorry.

I know it's not a debatable motion, but short of a failure of the motion, would either the Representative who made the motion or the Senator that seconded it, would you consider other motions?

CHAIRMAN SENATOR PEELER: Would you withhold that motion for further discussion?

REPRESENTATIVE KING: I will respect the Senator and give him that.

CHAIRMAN SENATOR PEELER: We can have further discussion on the motion.

Senator Verdin, however you want --

SENATOR VERDIN: I move we withdraw the motion temporarily.

CHAIRMAN SENATOR PEELER: I temporarily withhold, and seconded.

Now, Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

I would just ask do you contemplate -- do you contemplate a wider candidacy at some point going forward in 2020? Is that what you would anticipate?

REPRESENTATIVE KING: I didn't hear you.

SENATOR VERDIN: Would you be thinking that we would be looking to reopen?

REPRESENTATIVE KING: Yes. Yes, sir.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

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REPRESENTATIVE CLARY: Mr. Chairman, I think we've had these discussions over the last few weeks about the fact of the qualifications for being a trustee at the various colleges and universities that we screen.

And given the way the system is established, you know, to simply find someone unqualified is extremely difficult, and while I respect my good friend and colleague, Representative King, and Senator Scott and understand some of their questions and concerns, unless someone has some sort of criminal or financial issues, then it's very difficult not to present them to the full General Assembly.

And please keep in mind that there are ample opportunities for candidates to file. We have a process in place to do so, and I think that rather than this committee, given the criteria that are very little criteria that we consider in screening candidates, that it would be, to me, up to the will of the General Assembly whether or not a candidate is rejected. Even unopposed, that can happen.

So with that being said, Mr. Chairman, that -- I can't think of anything else that we could do in that regard that would not reflect poorly on this committee from the standpoint of we just don't have criteria that's established like Judicial Merit Selection and committees like that, PSC. So I think we need to be very careful in doing that.

CHAIRMAN SENATOR PEELER: Thank you, sir. A point well taken. I couldn't have said it better.

REPRESENTATIVE KING: Mr. Chairman, may I speak on it?

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

And while I respect Judge Clary, I believe that we have an obligation as committee members to vote our convictions. If -- while I understand where Judge Clary's coming from, I make the argument that if we are just going to bring people in and ask a couple questions, I believe staff can actually screen people, if they don't have a criminal background or if they don't have issues, and just send them straight to the General Assembly as well. So I take my job very serious. I'm not saying that none of you all do not. I just believe that we are not a rubber stamp of just hearing people and voting them out.

And I will not just vote people out just to vote them out. I'm here for the best interests of the university as well as the citizens of South Carolina. And so it's nothing personal with any of the candidates, but it's what I believe as I represent 40,000 people that I have an obligation not only to those people in District 49, but for all citizens of this state.

And so, Mr. Chair, while Judge Clary has given his explanation, I believe that we are not just a rubber stamp committee. I believe that

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people have to take us serious. And if that is what is going to happen, I believe that people would just apply, be found qualified, and sometimes be the only person in the pool, and we'd do a disservice to the school as well as to the citizens of this state to just go along to get along, and that is my opinion.

So I still leave my motion up as an unfavorable, and, you know, I will respect the decision of this committee.

CHAIRMAN SENATOR PEELER: Representative King renews his motion of unfavorable.

SENATOR ALEXANDER: Would he withhold it for a just a -- I would like to at least speak.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

And I concur in the remarks by the judge, Representative Clary, but I also want to say that I do believe that all of us that are here are doing what we think is in the best interests of those that we serve and the state of South Carolina and U of SC from that standpoint. So I don't want us to leave thinking that some of us are not doing that, even though we may have a difference of opinion from that standpoint.

And I do think that we are limited to -- and have done on many occasions the job of this -- under the leadership of Chairman Peeler, a great job of doing our due diligence and taking this job and responsibility to its utmost from that standpoint, and we have acted accordingly based on the criteria that we have before us. So I will be voting against the motion.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

It's a real shame we've come to this. I can't -- I've been on this committee for at least ten years. I don't ever remember us having to go through something like this before for a board trustees.

You could have avoided this many months ago if you had made a decision on the president and stuck with it instead of backing out on this, and then you got all this negative press. Now you've got all these other issues.

I'm going to have to vote to abstain. Nothing against you personally, Mr. Loadholt, but I may vote to abstain on all of them because it's a black eye to our state, in my opinion.

CHAIRMAN SENATOR PEELER: Representative Clary, do you have Ms. Davis's proxy?

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REPRESENTATIVE CLARY: I do.

CHAIRMAN SENATOR PEELER: Okay.

Am I pleased with the actions of the board of USC in the past year, let's say? No. Could they have handled the president's search better? Absolutely. Did they ultimately make the right decision by hiring their new president? I agree with what you did ultimately, but not how you did it. I've always said that there's no wrong way to do the right thing. Well, the board of trustees at USC proved me wrong in that.

I disagree with Mr. Loadholt on his idea of restructuring. I think we need to restructure the board. The board of trustees' candidates should come from congressional districts and not judicial circuits. It's unfair the way it's divided now. Is there is room for compromising on any of these bills? Yes.

But you heard the term micromanage. It's not up to this committee to micromanage the University of South Carolina board of trustees. To express our concerns, yes. To ask questions and make recommendations, yes.

But if our charge on this commission -- on this committee is to find the candidates qualified or unqualified, there's nothing that I've heard today that would prove to me that Mr. Loadholt is unqualified to be a member of the board of trustees at the University of South Carolina. He's been for 24 years qualified. Why all of a sudden is he not qualified? So I would vote that he is qualified when the time comes.

Anyone else like to make a comment? Hearing none, Representative King renews his motion of unfavorable, seconded by the Senator --

SENATOR SCOTT: I think he withdrew the motion, so it's open for a new motion.

SENATOR ALEXANDER: No, he just --

SENATOR SCOTT: He made a -- he renewed it?

SENATOR ALEXANDER: He's renewed it.

REPRESENTATIVE WHITMIRE: And I'll second it.

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? We'll take it to a vote. All in favor of the motion of unqualified, raise your hand. That's two.

All opposed to the motion, raise your hand. That's four.

REPRESENTATIVE WHITMIRE: I abstain.

CHAIRMAN SENATOR PEELER: And one abstain.

Is --

REPRESENTATIVE CLARY: And I have Ms. Davis's proxy.

CHAIRMAN SENATOR PEELER: How would she vote?

REPRESENTATIVE CLARY: She would vote aye.

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CHAIRMAN SENATOR PEELER: Aye in favor of the motion?

REPRESENTATIVE CLARY: No, she would vote against that.

CHAIRMAN SENATOR PEELER: Against the motion.

So the vote will be two to five. The motion fails.

SENATOR ALEXANDER: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: I would move that we find him qualified.

SENATOR VERDIN: Second.

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

REPRESENTATIVE CLARY: Ms. Davis...

CHAIRMAN SENATOR PEELER: Same vote with the proxy.

All opposed, raise your right hand. Two are not, and one abstains.

Thank you, sir.

MR. LOADHOLT: Thank you, Mr. Chairman and members of the committee.

CHAIRMAN SENATOR PEELER: And that's -- that's, Mr. Loadholt, with the understanding you're going to bring the information to staff.

MR. LOADHOLT: Yes, sir.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: And my motion so notes that, Mr. Chair.

CHAIRMAN SENATOR PEELER: 14th Judicial Circuit, Tab J, Rose Newton from Bluffton.

Good afternoon, ma'am.

MS. NEWTON: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. NEWTON: Rose Buyck Newton.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. NEWTON: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. NEWTON: Thank you.

Chairman Peeler, distinguished members of the committee, it's my honor and privilege to have the opportunity to come before you today. I am Rose Buyck Newton, originally from Manning, South Carolina. I currently reside in Bluffton.

I am currently serving the 14th Judicial Circuit Seat, filling an unexpired term left open in 2018. I currently serve on the academic

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affairs committee and chair of audit and compliance. I'm seeking election to this board again because I believe I can bring a unique and diverse perspective to this board and help move the University of South Carolina forward.

I look forward to your questions.

CHAIRMAN SENATOR PEELER: Any questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good afternoon, Ms. Newton.

MS. NEWTON: Good afternoon.

REPRESENTATIVE CLARY: Being a relatively new member of the board, tell me what type of orientation, training you received when you became a member of the board.

MS. NEWTON: I received -- I had a full day orientation in the president's office, going through each committee, what the university does. I think I left after four or five hours thinking I had it all under wraps, and then you get into a board meeting and realize you're drinking from a fire hose.

So I do think that we do have a good orientation system, but if I were to make recommendations to change, I think there are probably things that we can do ongoing. I think that continued training, whether it's through AGB or on our own -- I know in audit and compliance, each time we have a committee meeting, we have some type of training in that committee meeting.

But overall trustee training I think could help, to be a part of some kind of ongoing orientation, because it is -- there are lots of things going on at the university, and it's not easy staying on top of every single thing going on with eight system campuses throughout the state.

REPRESENTATIVE CLARY: And moving back to a question that I asked Mr. Loadholt a few minutes ago, the SACS report that was received by your board, and I understand that the administration is working on some sort of a proposal.

As a board member, what steps do you envision being taken to ensure that the issues addressed by SACS are not repeated in the future?

MS. NEWTON: Well, there are a couple of different things. I think I relate it to -- I'm a banker by trade. We're examined by the FDIC and the State Board of Financial Institutions. So when they come in and do a review, we might not be in love with what they say, but it's the law, and our job is to answer any questions that they have and put together a plan to address those issues.

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From the board's perspective, I think, looking at the -- our bylaws, making committee changes, restructuring our committees, our code of conduct, our -- the addition to some ethics in our bylaws are good first steps to make sure that we are doing our fiduciary -- doing our fiduciary duty to the citizens of South Carolina.

REPRESENTATIVE CLARY: As you can tell from us sitting around this table here, I think that disagreement is a very positive thing. That's part of the process that we engage in on a regular basis.

Insofar as the -- your short experience with the board --

MS. NEWTON: Yes, sir.

REPRESENTATIVE CLARY: -- how do you view the system that you have in place there for governance? I know you have a committee system that makes reports to the full board, and you talk about how -- what a large area of responsibility you have and the volume of information that you have to digest.

Tell me how you view governance with this board and with the size of this board.

MS. NEWTON: I personally believe that we do need to have substantial changes to encourage our board members and to really understand what our role is, that we are a policy body, and to really just reiterate what our responsibilities are.

REPRESENTATIVE CLARY: And you talk about, in answers to the questions that were presented to you in your questionnaire, ways to attract students. Growth has been controlled and predictable, but that growth is limited by infrastructure needs.

Talk to me a little bit about your infrastructure needs that you've seen since you came on the board.

MS. NEWTON: Well, one infrastructure need that we've been currently working on is student housing, and that's one issue that we have going forward, building a new housing area on part of the campus.

Another issue that we look at is deferred maintenance of all the buildings that we do have, and that's an area that needs a little more work. I think the -- in our last board meeting, 14 years is the threshold, and we're at 16, and so we're looking to work on that.

But clearly, in terms of enrollment, I think all the data shows all universities in the next five to ten years are going to be squeezed just based on the number of students that are out there within the -- within our universe. So we're going to have to be really smart about what we do and what we spend money on.

REPRESENTATIVE CLARY: A couple more questions --

MS. NEWTON: Yes, sir.

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REPRESENTATIVE CLARY: -- and then I'll be through.

The biggest weakness of U of SC is the ability to make quick decisions and make changes that are quickly implemented, and communication.

From an outsider's view, it looks like when you need to make a quick decision, you can't. But if you don't need to, then that glacial system of what we call a university sets in. So how do you change that?

MS. NEWTON: I think that's a -- I think that's a pretty valid point. There probably are things that can move quickly, but overall, the slug of --

REPRESENTATIVE CLARY: And I'm not casting a stone at you because I feel the same way around here.

MS. NEWTON: No, and I think you -- you disguise it: oh, it's government; it's red tape. But I think it just comes back to making sure your priorities are in the right place and helping encourage those priorities to -- that we can move when we need to.

REPRESENTATIVE CLARY: My last question is -- you have a new president.

MS. NEWTON: Yes, sir.

REPRESENTATIVE CLARY: What sort of strategic planning is going on now for -- you talk about the competition that there's going to be for a shrinking pool of students.

And we've got a very large system of colleges and universities in this state, and I don't think many people realize how that market is going to be driven and how it's going to contract. So what sort of strategic planning are you doing, without giving away any trade secrets?

MS. NEWTON: I think, from a 30,000-foot view, we're really trying to look at demographic numbers, understanding what pressures there will be, so that we can put procedures in place to protect ourselves when those numbers come to fruition.

At the moment, we tend to continue to have enrollment that's bigger than the year before, and the numbers at the moment look even bigger than last year. So making sure that we continue to have a 30,000-foot view, that we don't get trapped by, oh, we have all this enrollment now, understanding that the day is coming.

But -- and in terms of strategic initiatives, I do think the president is doing a good job of taking a deep dive, of saying where are we and where do we want to go and being cognizant of what does that mean in terms of facilities, in terms of faculty, in terms of programs. Are we -- are we offering what we need to offer? Is it -- the new budget model that we're working on, making sure that we, as board members, understand what's profitable and what's not profitable and that we're allocating resources appropriately.

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REPRESENTATIVE CLARY: Thank you, ma'am.

Thank you, Mr. Chairman.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

And welcome, Ms. Newton.

MS. NEWTON: Thank you.

REPRESENTATIVE WHITMIRE: A couple of questions.

MS. NEWTON: Yes, sir.

REPRESENTATIVE WHITMIRE: I'm reading in your answers where it says, address the issue of diversity on campus. The Columbia campus enrolls more minorities than any other college.

Is that correct? I didn't know that.

MS. NEWTON: Oh, I think I -- if I misspoke, I'm sorry. I think I meant within the state that we are -- graduate --

REPRESENTATIVE WHITMIRE: With all the colleges, like Winthrop -- is that more than Winthrop? And I don't want to put you on the spot.

MS. NEWTON: No, no. I -- if I misspoke, again, I'm sorry. I thought that -- or my data showed that we graduate more African Americans than many other colleges within the state.

REPRESENTATIVE WHITMIRE: Well, maybe some, but I'm not sure that's correct.

MS. NEWTON: Well, I'll be more than happy to go back and check that if I misspoke.

REPRESENTATIVE WHITMIRE: Okay. And the other is -- I'm going to ask this question of each candidate --

MS. NEWTON: Yes, sir.

REPRESENTATIVE WHITMIRE: -- and that is, did you vote for or against General Caslen to become the president of the University of -- U of SC?

MS. NEWTON: In our July meeting, I did vote against the president, but specifically in -- I was against the procedure and how it went about.

REPRESENTATIVE WHITMIRE: Thank you.

MS. NEWTON: Yes, sir.

REPRESENTATIVE KING: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

Representative Whitmire asked one of my questions.

REPRESENTATIVE WHITMIRE: Sorry about that.

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REPRESENTATIVE KING: But how do you think the process and the appointment of the university president went, and if you could change the process, what would you do to change it?

MS. NEWTON: If I could change the process, I think I would have -- I would have continued on the path that we originally took, which was appointing an interim. I do think that --

REPRESENTATIVE KING: You've answered my question.

MS. NEWTON: I'm sorry?

REPRESENTATIVE KING: You've answered my question.

MS. NEWTON: Okay.

REPRESENTATIVE KING: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon.

MS. NEWTON: Good afternoon.

SENATOR ALEXANDER: Good to have you back with us.

MS. NEWTON: Thank you.

SENATOR ALEXANDER: I've got a couple of questions. I want to follow up on the one that I, again, did as well about sitting on the board

--

MS. NEWTON: Yes, sir.

SENATOR ALEXANDER: -- as far as the student government president and/or a faculty representative, your position on that.

MS. NEWTON: My position is that I do believe that faculty -- we should have faculty and student government representation on the board, but that they not be a voting member.

And specifically what's come back from when we looked into some of that from the Association of Governing Boards, I think there are only maybe 10 or 15 percent of colleges that have their faculty or a student government rep vote. And the argument is that they'd have to recuse themselves so often because most everything that's voted on affects them.

SENATOR ALEXANDER: Okay. And since joining the board, describe for me your attendance as a board member.

MS. NEWTON: I'm pretty sure I have a 100-percent attendance record.

SENATOR ALEXANDER: Is that in person for board meetings, or is that joining by teleconference.

MS. NEWTON: I have joined by teleconference -- called meetings that, you know, we --

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SENATOR ALEXANDER: Right. Sure. Not a normal -- a regularly scheduled meeting. I understand.

MS. NEWTON: Yes, sir. And I do know that I've called in at least one - - I think it was a board meeting. Sometimes it may be a committee meeting.

SENATOR ALEXANDER: It's a rarity is what I'm hearing.

MS. NEWTON: Yes, sir. I'm there.

SENATOR ALEXANDER: Okay. And I want to, if I could, one more question, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: You're talking about the university can approve. Can you speak to me where it says, I believe, that -- that every day is a day to get better; I believe that as a board we're working collectively to promote advancement throughout the entire university system.

That would be one. But then it says, If you're looking for an area that I'm working on to advance, I'd really like to hear -- to improve in conflict of interest policy and implementation of proper procedures around conflicts of interest system wide.

Can you speak to me on where those conflicts of interest are?

MS. NEWTON: Yes, sir. This is an issue that falls in audit and compliance.

SENATOR ALEXANDER: Which you have good experience from being an executive with a bank.

MS. NEWTON: I hope so.

We have -- we are working to strengthen our conflicts of interest policy throughout the university and also strengthen the management plans that go along with those conflicts of interest. So if you have a faculty member that is working on a grant and there may be some conflict of interest, you know, they're disclosing it, but we need to make sure that we have a management plan that manages those conflicts of interest.

And that's just an area that we, as audit and compliance, are really working to strengthen. And -- and --

SENATOR ALEXANDER: Thank you.

MS. NEWTON: Does that answer your question?

SENATOR ALEXANDER: That does.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

What do you do with the bank? What's your position?

MS. NEWTON: I'm the chairman of the board. And --

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CHAIRMAN SENATOR PEELER: How long have you been chairman of the board?

MS. NEWTON: I've been chairman of the board for three years. Before that, I was the marketing and advertising VP.

CHAIRMAN SENATOR PEELER: Would you feel comfortable with your bank board if it operated like the USC board?

MS. NEWTON: I will say I've learned a lot from my experience at the University of South Carolina board.

CHAIRMAN SENATOR PEELER: You're not an attorney, but you're a pretty good witness.

Restructuring the board, are you familiar with the bills dealing with the restructuring of the USC board?

MS. NEWTON: I can't say that I could quote them to you verbatim, but I'm --

CHAIRMAN SENATOR PEELER: But you're familiar with them.

MS. NEWTON: I'm relatively familiar with them, yes, sir.

CHAIRMAN SENATOR PEELER: You serve within a judicial circuit. Are you -- with the residency clause within a judicial circuit. That's unique in the state.

MS. NEWTON: Yes, sir.

CHAIRMAN SENATOR PEELER: I think it should be congressional districts. The majority of the higher education institutions' governance comes from congressional districts because, with each Census, they're equally divided. Judicial circuits are not equally divided.

The gentleman before you said it would skew the large counties from the smaller counties. I think just the opposite. I think you get -- that's me, because I'm authoring one of the bills.

But with restructuring of the board, if one of these bills passed and we did a do-over, would you run again?

MS. NEWTON: I would run again. I do think that, based on my judicial -- I mean my congressional district, I may not -- I may not come out victorious because I'm in Charleston's judicial district and I'm from Bluffton.

I believe -- and not that you've asked me this question, but I'm going to tell you. I believe it's the General Assembly's purview. If you believe that we need to be restructured, then that's, you know, your responsibility and your ability to do.

I would if -- again, if you asked me, I would say, as someone from Manning, South Carolina, half of my graduating class went to USC Sumter. I am very involved with USCB in Beaufort and Bluffton and the Hilton Head campus.

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I would ask that you consider the rural parts of South Carolina, making sure that the system campuses are represented appropriately. How that looks, again, that's not really up to me, but I would ask or recommend that we just make sure that we don't -- we have good representation from all over South Carolina for that -- for the campus system as a whole, because it is different.

CHAIRMAN SENATOR PEELER: And I appreciate that. And any discussion -- and speaking of compromise, some of the feedback I've gotten is maybe seven congressional -- one per each congressional district may be too small. What do you think of maybe two per congressional district? That would be 14.

MS. NEWTON: One recommendation that I had heard was, if you had two, making sure that they didn't both come from the same county. Maybe that was a way to...

CHAIRMAN SENATOR PEELER: Right.

MS. NEWTON: The other -- in one of the bills -- again, you didn't ask me this question, but I'll give you my feedback. I think in one of the bills that we're required -- that maybe the alumni association president or that representation -- representative had to live in the state of South Carolina.

With our system, we have 300,000 alumni. Some are doing amazing things across the country. I do believe that we might be shortsighted by not having someone who -- a great opportunity for someone to serve who doesn't live in the state. One of Ohio State's board members -- of course it is Ohio, Ohio State -- lives in Hilton Head and is on the board of rep - board of trustees for Ohio State.

So there -- that would just be another area that I would recommend looking at.

CHAIRMAN SENATOR PEELER: One last quick question from me. Out-of-state tuition --

MS. NEWTON: Yes, sir.

CHAIRMAN SENATOR PEELER: -- the out-of-state abatement. I call it a kickback.

MS. NEWTON: Yes, sir.

CHAIRMAN SENATOR PEELER: Were y'all -- were you part of that decision, or was the board -- who made that decision to award the abatement for out-of-state tuition?

MS. NEWTON: I've not really been in discussion about abatement other than trying to figure out exactly where we have abatement, where we don't, how it works. So I think those decisions were made before.

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I do think we have to balance -- balance the budget and figure out a way. But ultimately, we do -- our mission is to educate South Carolina citizens, and we need to make sure that we do that.

I'm proud of -- I think 97 percent of all students are accepted at the University of South Carolina that apply, and I think that's a -- that says a lot. I'd like to work with Molly Spearman on figuring out how we can get that other three percent qualified to come to the university.

CHAIRMAN SENATOR PEELER: Well, I can appreciate your comments about the satellite campuses. We don't talk about those enough. It seems like all we're talking about is right here in Columbia. I appreciate you bringing that up.

MS. NEWTON: Thank you.

CHAIRMAN SENATOR PEELER: Any other questions or comments?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: The motion is favorable report.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Discussion? Hearing none, we'll take it to a vote. All in favor of a favorable report, raise your right hand.

REPRESENTATIVE CLARY: Plus Ms. Davis.

CHAIRMAN SENATOR PEELER: Plus Ms. Davis. Unanimous.

Thank you, ma'am.

MS. NEWTON: Thank you so much.

CHAIRMAN SENATOR PEELER: Next, the 8th Judicial Circuit, Tab K, Brian Harlan from Laurens.

MR. HARLAN: Mr. Chairman.

CHAIRMAN SENATOR PEELER: Good afternoon, sir. For the record, if you would, give us your full name.

MR. HARLAN: Brian Christopher Harlan.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. HARLAN: I do.

CHAIRMAN SENATOR PEELER: If you'd like to take a seat, and make a brief statement if you desire.

MR. HARLAN: Yes, sir, and I will be mindful of your time. I know what your schedule's been like today, but I am appreciative of you giving me time to speak.

I am Brian Harlan. I reside in Laurens County. I am a graduate of the University of South Carolina. It is my desire to offer my services to the 8th Judicial Circuit, and I believe in the mission of USC to educate our state's citizens through teaching and creative activity.

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In my profession, we make access affordable to all. We serve a diverse population, diversity in age, race, and gender. We are for all. And, again, it'd be my honor and privilege to serve while utilizing my talents, my experiences, and my leadership skills.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you. Thank you.

Questions or comments?

REPRESENTATIVE KING: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

And I appreciate your willingness to serve. I have a question for you. I have been interested in application fees that the institutions charge here in South Carolina, and they vary from \$95 all the way down to zero. There's only one institution in the state that is state-supported that does not charge an application fee.

Would you be in favor of a zero application fee for South Carolina students, or South Carolinians as a whole?

MR. HARLAN: For the residents of South Carolina?

REPRESENTATIVE KING: For the residents of South Carolina.

MR. HARLAN: I think we need to make it affordable and accessible for our residents to apply for any of the universities in the state, so, sure, I would -- I would recommend that or suggest that or support it.

My daughter recently transferred in, and she transferred to the University of South Carolina at Union, and she was not charged a fee.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon.

MR. HARLAN: Thank you.

SENATOR ALEXANDER: Thank you for being here with us.

I wanted to circle around on a couple of these themes that I've been talking about and just wanted to get your position on -- about the student government president and/or a faculty representative serving as a member of -- a voting member of the board.

MR. HARLAN: Sir, I appreciate your question, and I think it is very important that you hear all the details if you're serving on a board, you hear all the matters brought forth before you make a decision. Having the student body president and a faculty member present I think is a valuable resource.

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At this time, I probably would not suggest them being a voting member of the board because they might be changing out. We don't know what the attrition might be, how long the student body president serves or how long the faculty member might be there.

SENATOR ALEXANDER: You mentioned, too, in your -- as far as biggest weakness is improve the facilities, and I believe your position as -- with the YMCA there, you probably have to deal with facilities. Are there something specific that you're talking about in improving facilities, or is there a lack of facilities?

MR. HARLAN: No, sir. I think, as we want to encourage more persons and more students to apply, we have to continuously make improvements to our facilities and make it attractive.

There's always a need for improvements. And, yes, sir, at the YMCA, we always have to improve facilities. We have a lot of persons coming in and out, and our funds are limited as well.

SENATOR ALEXANDER: So as far as focus, my concern about making sure that the students not just at U of SC, but of -- all our higher education institutions are preparing our students for marketability and for the workforce, do you see a particular need, or would you have any thoughts on what needs to be addressed from that standpoint as a board member?

MR. HARLAN: Well, I understand we have one of the largest systems in the state, and we should be very proud of that.

And I think -- I think Ms. Newton just alluded, our satellite campuses need representation as well, and that's why today I was proud to say my daughter goes to USC Union at Laurens. She is a transfer student from Presbyterian College and just started this semester. So I think marketing those to students is a statewide effort.

SENATOR ALEXANDER: So let me -- help me understand. So it's University of South Carolina at Union.

MR. HARLAN: I'll -- it is a University of South Carolina Union --

SENATOR ALEXANDER: Right, but give me the --

MR. HARLAN: -- class, but they have -- offer classes in Laurens.

SENATOR ALEXANDER: In Laurens.

MR. HARLAN: Yes, sir.

SENATOR ALEXANDER: Could you --

MR. HARLAN: They offer them at a Laurens campus.

SENATOR ALEXANDER: Where they --

MR. HARLAN: Part of Union.

SENATOR ALEXANDER: Where they rent facilities, or are they complimentary facilities?

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MR. HARLAN: I'm not certain about the facilities. Maybe Senator Verdin can help with that. But some of the classes are instructor-led in Laurens, and some are online classes as well, and some are Skyped in.

SENATOR ALEXANDER: Okay. And then the last question I've got, Mr. Chairman, is in your role, your position, would there be anything that would preclude you from being an active member of the board and attending meetings in person?

MR. HARLAN: No, sir. Prior to submitting my letter of intent in November, I had a conversation with my volunteer board of directors at the Lakelands YMCA, and they understand my desire to serve, and they understand that my role, if elected and approved by you and the General Assembly, will require me being away some.

I also am prepared to take time off, PTO, for that time just -- I'm taking PTO today to be here.

SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.

SENATOR VERDIN: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator from Laurens, Senator Verdin.

SENATOR VERDIN: Well, just as a follow-up to that question, Mr. Chairman, from the Senator from Oconee, I would just say that Mr. Harlan is indefatigable. He's ubiquitous. And if he wants -- if wanted my job, I would just go ahead and give him the key. I appreciate his willingness to serve us.

REPRESENTATIVE WHITMIRE: He made the best choice.

CHAIRMAN SENATOR PEELER: Well, I don't know lately.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Harlan, for your willingness to serve. How long have you been at the YMCA?

MR. HARLAN: I've been there 15 years.

SENATOR SCOTT: Tell me of any changes that you've seen since at the YMCA in terms of the collective community coming together.

MR. HARLAN: Yes, sir. I was very fortunate to be hired to serve and lead the family YMCA of greater Laurens. We had some tough decisions to make in Laurens as we inherited a YMCA that financially may have been struggling. We had to make some tough decisions.

Not everyone was favorable, but not everyone wanted to make donations to retain our indoor pool. So we were probably the first YMCA that took the walls and the roof off, and now we have an outdoor pool, saving us more than \$80,000 a year.

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So that is some changes. But going forward, we have grown our association. Earlier I mentioned the Lakelands YMCA. That is -- as of January 1, 2019, we are now the Lakelands Region YMCA of South Carolina, which encompasses Gray Court, Laurens, Greenwood, Abbeville. All that service area is under our association.

SENATOR SCOTT: Have you seen a change in the community as a whole coming together, using the association in the 15 years you've been there?

MR. HARLAN: Yes, sir. In Laurens, we have approximately 4,000 members. That would be about 1,800 member units.

SENATOR SCOTT: Right.

MR. HARLAN: We are sitting inside the city limits of Laurens and with a population of less than 10,000, so we feel pretty confident there.

We also are serving outside -- outside the county as well, and now that we have -- Greenwood and Laurens are one, we have -- you can go to either Y -- you can go to -- if you're a member of the Y right now, any of you, we have nationwide reciprocity. You can go to any YMCA in this state and the United States.

SENATOR SCOTT: Well, the reason why I asked that, because with your broad experience in the Y and working with all families and all type of different cultures of families coming to the Y, you become a real asset to the university, especially with recruiting very diverse kids who come from different backgrounds and different socioeconomic families. And a lot of them, after 15 years, know you quite well.

MR. HARLAN: Yes, sir.

SENATOR SCOTT: And to be able to answer questions, if your outreach has been good to them and the level of comfort is there.

MR. HARLAN: Yes, sir.

SENATOR SCOTT: And if -- what you've just indicated, that you've had the opportunity to take a small Y and make a very good regional Y, says that people in that community really care about you and have helped you to grow that Y.

MR. HARLAN: I've been very fortunate to have a good group of volunteers, volunteer board members as well as program volunteers.

SENATOR SCOTT: Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

Mr. Harlan, thank you very much for being here and for offering to serve. With the experience that you would bring to this board and realizing the issues that have presented themselves to the board in the

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last couple of years, what do you bring that's going to change the culture there?

MR. HARLAN: I think I bring a different perspective to the board. I know my profession is very unique compared to the current board members on the board. And as Senator Scott mentioned, I think I'm bringing in a different voice. I think I have opportunity at the YMCA to -- and in the communities that we're serving -- to bring a different voice to it.

I did want to mention this. Our YMCA association is serving 53 percent Caucasian and 47 percent minorities and other. So we are getting to hear from different persons, and there's a lot of different programs that we offer to meet the needs of all of our participants.

REPRESENTATIVE CLARY: Going back to that SACS report, have you read that?

MR. HARLAN: I have not been privileged to that report.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE KING: I have one last thing.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

And I just want to say thank you. You are probably one of the first, if not only, persons that, since I've been here, that have come and talked about diversity without me having to ask that question. So thank you.

MR. HARLAN: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR VERDIN: Favorable report.

SENATOR SCOTT: I'll second it.

CHAIRMAN SENATOR PEELER: Senator Verdin moves favorable. Seconded by Senator Scott. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. And with Ms. Davis, it'll be unanimous.

Thank you, sir.

MR. HARLAN: Thank you.

CHAIRMAN SENATOR PEELER: I appreciate your willingness to serve. Please don't run against Senator Verdin.

SENATOR VERDIN: Yeah, please. That was really a joke.

MR. HARLAN: Okay. I like his -- I like his wife a lot.

CHAIRMAN SENATOR PEELER: Well, everybody likes her. If you need some fun, I think a fund-raiser for the YMCA is to get the Senator from Laurens to do the Village People "YMCA" for you.

SENATOR VERDIN: Oh, I'll do the dunking booth.

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MR. HARLAN: No, we -- he could serve as our Santa Claus downtown next year if he keeps letting that beard grow.

CHAIRMAN SENATOR PEELER: Don't let that cherub face fool you.

Okay. All right. Leah Moody from Rock Hill flew in from D.C., and her arms are so tired. And she's going to have to fly back.

Welcome.

So if there's no objection, we'll move to the 16th Judicial Circuit under Tab B, Leah Moody from Rock Hill.

For the record, if you would, give us your name.

MS. MOODY: Leah Moody.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. MOODY: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. MOODY: Good afternoon, and thank you for letting me come in. I did just come in from D.C. I had a scheduled conference that I went to on Saturday. I'm still there -- well, I'm not still there. I'm here, obviously, but I'll be going back to finish up that conference as well as a couple of meetings that I have later on this week.

So thank you for having me and thank you for allowing me to serve. It's good to see you all.

CHAIRMAN SENATOR PEELER: Okay. Questions?

REPRESENTATIVE KING: Mr. Chair, I have a question.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

And Ms. Moody, I have a question for you. First, let me just start off by saying, how did you vote in reference to the selection of the president?

MS. MOODY: I voted no.

REPRESENTATIVE KING: How do you think the process was of the appointment of the university president?

MS. MOODY: So I voted no, the basis being because I wanted to follow the process that we had decided originally.

REPRESENTATIVE KING: And what was the deviation of the process?

MS. MOODY: Well, it deviated after our -- we decided to go back to the drawing board, basically. And so it deviated at that point, and we came in and we voted. But up until that point, I felt like the process was going good. We had a little -- a little disruption for various reasons, but I felt like the process was going as good as the search process could go.

REPRESENTATIVE KING: So why do you think the process changed?

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MS. MOODY: Because we had to vote. That changed it. We had to come back and vote.

REPRESENTATIVE KING: Now I'm lost.

MS. MOODY: Okay. So we had a process -- up until that point, we had a set schedule and --

REPRESENTATIVE KING: I understand that part.

MS. MOODY: Right.

REPRESENTATIVE KING: Why did the process change? And I'm asking you to be honest.

MS. MOODY: I don't know why it changed. I mean, we -- we decided - - well, I'll just say it frankly. You know, there were some protests, and we had a discussion, and we decided to go back to the drawing board basically, and then there was a change, and that's when we were -- we had a meeting, and we were...

REPRESENTATIVE KING: So when you went back to start the process over, did you actually start the process over?

MS. MOODY: Well, we didn't --

REPRESENTATIVE KING: Or you all went straight into voting?

MS. MOODY: No, we didn't go straight into the voting. There was a period of time where we were not -- we had -- it was a Friday we were meeting. We were going to vote. We decided not to vote, and we were going to, you know, go back to the drawing board basically.

REPRESENTATIVE KING: When you went back to the drawing board, how many --

MS. MOODY: We didn't get to get to that point. The Governor asked us to vote.

REPRESENTATIVE KING: Okay. So now I'm confused.

MS. MOODY: I mean, at least that's what was in the paper. I mean, I'm not sure what you're trying to get to.

REPRESENTATIVE KING: What I'm trying to get to, how many candidates did you have to vote on? Because --

MS. MOODY: When we first came to the table and we presented to the campus, which there were campus interviews, we had four candidates.

REPRESENTATIVE KING: And the four candidates, was the present person in the four?

MS. MOODY: Yes.

REPRESENTATIVE KING: And so you voted on one of the four?

MS. MOODY: Not on that day.

REPRESENTATIVE KING: But eventually?

MS. MOODY: Well, he came out of that four, yes.

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REPRESENTATIVE KING: What or who influenced your decision to vote no?

MS. MOODY: The process influenced my decision.

REPRESENTATIVE KING: The process did.

MS. MOODY: I wanted to follow the process.

REPRESENTATIVE KING: How -- so you are the only African American on the board; am I correct?

MS. MOODY: Yes.

REPRESENTATIVE KING: What do you do as the only African American on the board to assure that African-American students across this state -- or citizens, I should say, across this state have an opportunity to attend the University of South Carolina, not only just the University of South Carolina, but your professional schools?

MS. MOODY: Well, I think we all -- because no one person acts on their own, I think we all work together to have a diversity plan. We've taken steps to put in place our diversity plan, and that's not an easy task.

So, you know, we want to give all students the opportunity to have an education or receive an education from our flagship university. We want to have diverse students. So diversity doesn't just -- it's not just race. It's not just gender. So in everything we do, we look at diversity.

But I think in order for us to achieve it the way that -- what is apparent to everyone on the outside looking in, because, you know, perception is reality, we have to set goals and targets to make sure that we are at least paying attention to it and that we have metrics. And so that's something that we've strived to work on.

So we've received a lot of awards for our diversity efforts, and, you know, we -- I think we do pretty good. But in everything that we do, there's always room for improvement. When we have students that graduate, you know, the numbers are going to change. When we have to comply with federal, you know, reporting or what have you, the rules change there.

So one of the things that most people that don't know is that, you know, at one point in time we just reported, you know, based on students being -- they could be multiracial. So we might just report them as being African-American if they were African-American and Hispanic. But that has changed, and I think -- I've written an article on behalf of the university that appeared in The State newspaper that addressed that issue, but most people don't really pay attention to that.

So when you report to the federal government, they require you to report a certain way, and so that might dilute what some people perceive as being a high African-American number for diversity purposes. But

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it's really not necessarily so. It depends on the student and what they decide to -- what they elect as their race.

REPRESENTATIVE KING: What are you doing as a board member to make college attainable in reference to costs, as a board member, for all South Carolinians who are qualified to attend the University of South Carolina and graduating without having such high debt?

MS. MOODY: Sir, we try to pay attention to what our budget is. We pay attention to what the costs are. So like when a program comes before the board and you're talking about implementing a new program, we have to like study what is the cost, right? Just like much of what you guys do, and ladies do. You pay attention to the fiscal impact.

So we pay attention to that. So when a program comes before us, we know that there's a fiscal impact, fiscal implications. One of the things we're looking at now is looking at if you have scholarship money for students, does it cover the tuition?

When we deal with any kind of building that we're going to, you know, bring online, we pay attention to how much does it cost. Because some things that other schools don't necessarily do -- something I learned when I served on the CHE was that some people don't build in the -- you know, the deferred maintenance that's going to last for a building over the span of the building being online. So we pay attention to those kind of things.

So I think that we -- in everything we do, we pay attention to cost because we do not want students to have to pay exorbitant prices to come to school, taking out debt, loans. That's an issue that we've done presentations on in the student-trustee liaison committee -- but it's now -- now has a new name.

But we did that at one point in time because students were taking out loans and they were not aware of what that looks like on the other side of graduation. So -- we want students to graduate on time, so we pay attention to all of that in all of our committees that we have. I know most people think that we're not paying attention to that, but we do pay attention to that.

Rose Buyck Newton, who is a good friend of mine who went to Girls State with me, she has a student -- her daughter is a freshman. So we are definitely fully aware of how it impacts, you know, the parents because I talk to Rose a lot, and Rose might be fussing in my ear about it, but that's something that we pay attention to.

And then I have constituents who -- their parents call, and so we want to pay attention to how it impacts our citizens.

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REPRESENTATIVE KING: This is my last question. In making college reachable and obtainable, sometimes it's not obtainable just from the very start or the beginning of it because -- you may not believe this -- because of application fees.

What do you think about South Carolina students or citizens not having to pay application fees to apply to colleges and universities that are state-supported schools?

MS. MOODY: That's a slippery slope.

REPRESENTATIVE KING: There are schools in South -- one school in South Carolina that is doing it.

MS. MOODY: I know, but that's still a slippery slope because we get so many applications. I think every year that I've been on the board, we've gone up in applications.

And so you have to have people who go through and process those applications, so that's manpower, right, to go through those applications. And then if you open it up and it's no application fee, the con to that is -- and this is just thinking about this -- the con to that is, you're going to have more applications than what we already have.

So then who's going to go through all those applications and go through and, you know, get those weighted scores and make sure that the students, you know, hitting the marks in terms of the criteria because we do have to balance out -- you know, when you're talking about diversity, you've still got to talk about, you know, having the SAT and making sure they have the academics there. So how do you balance that out, and then you have staffing?

So that's something that...

REPRESENTATIVE KING: Thank you.

MS. MOODY: That would be a good thing, but that's something I would say you'd have to do it on case-by-case basis based on need because it would impact the staff that we have if you had -- say, for instance, our normal application level we have was 6,500, and then if we had -- if we opened it up and we had about 10,000 to 15,000 applications...

But if y'all told us to do what, we could do that, but I'm just saying.

REPRESENTATIVE KING: Thank you.

CHAIRMAN SENATOR PEELER: I took that as an I'd rather not say.

MS. MOODY: I'd rather not say.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

Good to see you again, Ms. Moody.

MS. MOODY: Good to see you as well.

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REPRESENTATIVE CLARY: And thank you for your service.

A couple of questions. Number one, tell me about -- I see that you're the South Carolina director of community partnerships for Juul Labs. Tell me about that.

MS. MOODY: So it's changed now. I'm now the community director of partnerships for the region, so that's why I'm in D.C. sometimes and Texas and Oklahoma, Georgia, and Florida.

So what I do is, I'm not practicing law in the traditional sense as how I came in contact with you. I'm working with partners. We are going through a process. We've gone through reorganization, and we have to do a lot of education. Part of that is youth prevention.

At one point in time when I was just doing South Carolina, that was working on how we would engage with the state partners in terms of corporate -- social responsibility. That's not sales or anything like that. That would be in terms of putting in place measures that would be consistent with youth prevention as well as trying to carry out our mission.

REPRESENTATIVE CLARY: And so it sounds like you travel a great deal in that job.

MS. MOODY: I have been lately.

REPRESENTATIVE CLARY: And how does that impact your ability to continue to serve as a member of the board at U of SC?

MS. MOODY: Well, it hasn't. I think I've been doing more stuff for USC this year than anything. Since April, it's kind of like ticked up a lot. As well as being on the presidential search committee, I just -- well, I guess we're not finished, but I'm hoping we're getting to a finish on it, but we just went through the process of searching for a provost. And so I served on the provost search committee, as chair of the academic affairs committee.

I work remotely, which gives me the opportunity to work from home, so I'm able to come to Columbia much more frequently and be on campus, on the Columbia campus more so, or any other campus.

REPRESENTATIVE CLARY: I'm a little confused. You say -- you said that the -- you referenced the presidential search and said that that was almost finished?

MS. MOODY: No, the provost search.

REPRESENTATIVE CLARY: The provost search. I'm sorry.

All right, now, you have read the SACS report?

MS. MOODY: I did, about a month ago, two months ago.

REPRESENTATIVE CLARY: Okay. And of course when SACS gets involved in things, you normally just like those visits that they make over

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that cycle where they're coming in to -- much like a legislative oversight committee, what we do here for an agency.

But when you have done something that raises the ire, puts you on the radar of an organization like SACS, from reading that report, what do you take away from it, and what do you suggest can be changed to improve that process in the future?

MS. MOODY: We ought to follow our processes. I think we're taking the steps. We had a hard look at ourselves.

REPRESENTATIVE CLARY: Well, did you have a process in place that was that ironclad that you were supposed to follow?

MS. MOODY: We had a process in place. This is the first time I've ever -- that I recall that there was a public vote that we were -- that there was -- there was a lot of debate. I think it was healthy.

REPRESENTATIVE CLARY: Yeah, which is not a bad thing.

MS. MOODY: No, it's not. So that's the first time I've -- that I recall in the 11 years that I've been on the board that we've had a public -- you know, we've -- I've never voted differently.

Like, you can tell when you're not going to, like, be successful in something that you want. I can tell that. I can see the writing on the wall that I'm not going to win on this issue just by the discussion that we may have, whether it's an open session or just -- you just get a feel of how people are going to -- which way they're going by the questions they're asking.

We've never taken something to the -- we've never taken something to a vote where it was that divided. So that was interesting, but I think it was healthy because -- I think it was healthy.

REPRESENTATIVE CLARY: And let me ask you this. You're the only African American on the board.

MS. MOODY: Yes.

REPRESENTATIVE CLARY: How many --

MS. MOODY: Females?

REPRESENTATIVE CLARY: -- other women besides you and Ms. Newton?

MS. MOODY: Superintendent Spearman.

REPRESENTATIVE CLARY: Okay. Thank you, Mr. Chairman.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

If I could briefly -- and good afternoon.

MS. MOODY: Good afternoon.

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SENATOR ALEXANDER: And, one, I want to commend you for keeping your commitment to being with us here this afternoon, from that standpoint of honoring that, and Judge Clary had mentioned about your attendance.

I wanted to hear your thoughts on should the students and faculty be represented on the board.

MS. MOODY: Well, they're on the board.

SENATOR ALEXANDER: Right. But should they be voting members of the board?

MS. MOODY: No, because -- so I've thought about that. I think I've heard that question before, and I've heard them express their desire to have a vote.

But we have to go under ethics, and so our South Carolina Ethics Act requires us to -- as board members, we have to disclose any conflicts of interest, and I think it would be a conflict of interest for students and the faculty to be voting members because much of what we deal with deals with their ability -- like for faculty, salaries, you know, policy that may impact them. Students, tuition.

So a number of things, I think, that will come into conflict with their position. I think it's important for them to be there and hear the discussion that we may have, but I think that it would come into conflict with our ethics laws that we have for the state, and I think that it would probably put them in a situation where they're not necessarily advancing their views and giving us their full -- the full picture of what we need to be doing for the university versus, you know...

SENATOR ALEXANDER: Okay. So under ways to improve the school, the university, budget transparency. Can you speak to me briefly on that?

MS. MOODY: Yes, sir. So we're in the process of changing our budget -- well, we've changed our budget model. So we had -- at one point in time, it was centralized, so now it's going to be a different kind of process where we can see it and it's much more understandable.

Based on the way it -- I'm not the finance person of the board, but based on what I've done in terms of my research, my understanding is it is going to be where the deans control kind of their budget coming from their college, and they will be able to align the objectives and the priorities of their college, and it's going to match with the budget.

And so hopefully the budget -- the dollars will match with the objectives of the budget, and everybody will know which targets we're going -- where we're going, and hopefully this will help us address, you know, whether we're -- well, it will cut out, in my opinion, the fat.

SENATOR ALEXANDER: Okay. Thank you.

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One further question, if I could, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Referring back to the SACS report --

MS. MOODY: Yes, sir.

SENATOR ALEXANDER: -- do you know how that review -- was that SACS report as a result of a normal process, or was that a special review by that agency?

MS. MOODY: What do you mean? So like --

SENATOR ALEXANDER: The SACS report, what generated them -- was that a normal -- you come up for SACS review every so often.

MS. MOODY: Oh, that was -- right. So it wasn't a normal review. This was based off of this situation.

SENATOR ALEXANDER: And what brought that to their -- did y'all make a request for them to review?

MS. MOODY: No. I think there was like a complaint. I'd have to look back at my documents to see exactly what --

SENATOR ALEXANDER: Facilitated it? Okay.

MS. MOODY: -- what brought it to their attention. I want to say, from my recollection, that it was the press, and then there was a complaint that was filed. And so that's not the normal process, if you're talking about the review that they would --

SENATOR ALEXANDER: Yes, ma'am.

MS. MOODY: -- normally have for, you know, accreditation.

SENATOR ALEXANDER: This was outside that normal review?

MS. MOODY: Yes.

SENATOR ALEXANDER: Okay. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

I appreciate your answer to Senator Alexander a while ago about the students voting or not.

I just want to make a little statement here. In 2003, I was elected to the House of Representatives and assigned to the education committee.

MS. MOODY: What committee?

REPRESENTATIVE WHITMIRE: Education committee.

MS. MOODY: Yes, sir.

REPRESENTATIVE WHITMIRE: So I took my seat, and guess who was sitting next to me?

MS. MOODY: Who?

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REPRESENTATIVE WHITMIRE: Bessie Moody.

MS. MOODY: Who is that?

REPRESENTATIVE WHITMIRE: Who is that?

I want to tell you, she was just a joy to serve with. She -- if every representative and every senator had as much commitment to public education in this state as your mom did, we'd be a lot better off. So I just wanted to say that she was a wonderful lady and I miss her.

CHAIRMAN SENATOR PEELER: Amen.

You mentioned budgeting. As a board member, do you vote on tuition increases?

MS. MOODY: I do.

CHAIRMAN SENATOR PEELER: You do.

Do you vote on out-of-state tuition increases?

MS. MOODY: Yes.

CHAIRMAN SENATOR PEELER: Do you vote on the abatement of those out-of-state tuitions? Kickbacks, I call them.

MS. MOODY: Kickbacks?

CHAIRMAN SENATOR PEELER: Abatement.

MS. MOODY: Well, I know what it is. I have my little cheat sheet. I think I have it in my checkbook here.

It's the -- we have it -- there's a statute section for it, and I laminated it because that typically comes up with people asking about abatements.

CHAIRMAN SENATOR PEELER: So you all do vote on it?

MS. MOODY: Well, we don't vote on it. There's a statute section. Do you want me to pull it out? Can I pull it out?

CHAIRMAN SENATOR PEELER: No, that's okay.

MS. MOODY: Okay. So there's a statute section on it that talks about -
- it breaks it down, how it works.

So there's different ones. There's one for the veterans. There's one for student athletes. There's one for -- like we have the border students. There's one -- there's another one -- I want to say if you are receiving a scholarship. So there are different ones, but it's under a statute section, so it's based on that. And so I have to look at that sheet to tell you.

CHAIRMAN SENATOR PEELER: Am I correct in my recollection that one time over half of out-of-state tuition was abated at the University of South Carolina?

MS. MOODY: I do know what you're talking about. That's an issue that has come up, so I do know what you're talking about exactly. So that's why I laminated it, because the question came up.

And so I wanted to make sure that I understood it fully, and I -- at the time, we had a different person that was with our office in the finance

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department, and so I asked about that. And that made me laminate the card because there was so many different statute sections for it.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else? What's the desire of the committee?

SENATOR SCOTT: Favorable report.

REPRESENTATIVE WHITMIRE: Favorable.

CHAIRMAN SENATOR PEELER: Motion is favorable. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

REPRESENTATIVE CLARY: And Ms. Davis.

CHAIRMAN SENATOR PEELER: And Ms. Davis.

And I'm assuming, Senator Verdin, you vote yes?

SENATOR VERDIN: Yes.

CHAIRMAN SENATOR PEELER: Unanimous.

REPRESENTATIVE KING: Mr. Chair, I didn't know if I should vote for her or not since she lives in my district, but...

MS. MOODY: Well, maybe I should say the same thing when I'm there. I don't know whether I should vote.

REPRESENTATIVE KING: Well, Mr. Chairman, I will tell you now, she does do a little mail-out for me every once in a while.

CHAIRMAN SENATOR PEELER: It's going to take more than that.

Unanimous.

Thank you so much.

MS. MOODY: Thank you. Thank you so much.

CHAIRMAN SENATOR PEELER: And have a safe trip back.

MS. MOODY: Thank you.

CHAIRMAN SENATOR PEELER: All right. Now we'll go to 4th Judicial Circuit, Tab L, Eugene Warr from Lamar.

SENATOR ALEXANDER: And this is a judicial circuit?

CHAIRMAN SENATOR PEELER: What did I say?

SENATOR ALEXANDER: Yeah, you did. I'm just...

CHAIRMAN SENATOR PEELER: Yeah. I wish it was a congressional district. Fourth Judicial Circuit, yes, sir, Eugene Warr.

For the record, if you would, give us your full name.

MR. WARR: Eugene Preston Warr, Jr.

CHAIRMAN SENATOR PEELER: Good. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. WARR: I do.

CHAIRMAN SENATOR PEELER: Thank you. Would you like to make a brief statement?

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MR. WARR: Yes, sir. Thank you, Senator Peeler.

CHAIRMAN SENATOR PEELER: Thank you.

MR. WARR: I'm Gene Warr. I'm from the small town of Lamar in Darlington County. I have been on the board now for a little over 16 years. I attended the University of South Carolina and graduated in 1981 with an undergraduate degree from the business school.

I then went home and farmed with my father and uncle even though my father told me it was not a good idea. And after that, for a while I returned to the law school and graduated in 1985. I've practiced law in the -- primarily in Darlington County and Florence County, the Pee Dee area, since that time. I've also done some other business things besides practice law.

In my time on the board, a little over 16 years, I have served on, I think, every committee. I was the chairman of the board from 2012 to 2016. I have done my best to attend all meetings. If I've missed a meeting, it's only been one or two. I do my best to prepare for meetings and to participate in a meaningful way on everything that comes along, and I believe that I have done a good job as trustee. I've done it certainly to the best of my ability.

CHAIRMAN SENATOR PEELER: Thank you, sir.

Questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you. Yes, sir.

Thank you for your willingness to serve.

During your tenure as chairman of the board -- and I think it was probably under your chairmanship when we really began to talk about growing diversity on the campus -- what was your viewpoint and what direction did you take the board in trying to improve your numbers from where the college was back at the time?

MR. WARR: Senator Scott, I think that our previous president, Harris Pastides, deserves credit on that for coming to the realization that, given the population of our state, we had to do more on that in making it more of a focus.

I know we look at the numbers, and there are various ways to look at numbers, statistics, percentages, this sort of thing. The bottom line is, the total number -- numbers have gotten better. They've gotten a lot better in the last three years particularly. And although there are certain statistics and certain percentages that look poor, I don't think those are really reflective of the whole story.

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Ms. Moody just mentioned that there was a time, for some reason I don't really understand, that someone who maybe was mixed-race would be counted as a certain type of a minority or as an African American when really that was not entirely accurate. The federal government now requires us to report in certain more precise ways. So if you look at just African-American numbers, that would look lower. I think if you went back and viewed it apples to apples, it would look somewhat better.

But during that time, Senator Scott, we talked about it all the time. It's a constant issue. We realize that we don't do enough to look like the state of South Carolina.

Our president now, Bob Caslen, made a statement early on, actually in his interview, that stuck with me, and I think it well states how this needs to be viewed and how it needs to be dealt with. When he was a general in the Army serving in Iraq for a good many years, he stated that he knew that if the Army did not look like the people of this country, our military would lose the support and respect of the people of this country.

When he became the superintendent and the president of West Point, he realized when he got there that West Point did not look like this country, and he went to work in the years that he served as president at West Point to make it different, and he did. He made huge changes while he was there.

He's made that same commitment to us. He made that same commitment to us in his interview, and he has, I think, a real proven record in being able to do it.

One thing he also mentioned is that when he was at West Point, in those years there, he also had a goal of changing the faculty to where it looked more like this country. He felt like he still had progress to make on that, but I think he also views that as something to be tackled.

It's not something that can be dodged. I've lived, obviously, in this state my whole life. It comes up -- many people are rightly interested in it. We must be a university that educates the people of this state. Who are we? And if we don't do that, then there's obviously a problem with that.

SENATOR SCOTT: Well, tell me how the other smaller extensions of the university numbers are so much better than the Columbia number?

So it can't be that much of a problem if that's the goal to make those changes. Beaufort, Spartanburg, others, and I know that it's a feeder. Those who can't get into one university end up going to the other. But when you transfer them to the other, you continue to bring the numbers down. So what's going on with that thought process, why their numbers are so much better than the Columbia numbers?

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MR. WARR: Senator, I believe that a good bit of that is financial. It is much more affordable to be able to stay home or near your home and go to school. And for many people across this state, to be able to go to one of the regional campuses is a much more affordable option, and the cost of living is better for them because they're in home -- or at home. The tuition is less, and a lot of times for many people, it's a financial decision.

I think that a good many of those people that go to those regional campuses would qualify to come here, but they decide for other reasons to stay closer to home. Now, that's certainly not all of them. I don't mean to imply that at all. But there is a good number of them like that.

As far as the Columbia campus goes, I believe that when we look at - - that there's simply a -- there's a term for it, and it's -- we look awfully hard at SAT scores. There's, as you know, an ongoing debate about do we pay too much attention to SAT and LSAT and those kind of scores from people.

I'm one of those people that's long believed that that's the case. In my family, my older sister was certainly smarter than me, but I made somewhat better on the SAT than she did. I knew from then on -- I knew from that time, back when I was 16, 17 years old, that something was wrong somewhere.

And so I don't know that that's a -- we put a lot of emphasis on it, and until we come with a formula that better looks at the overall potential of someone, we'll have a problem with it. Now --

SENATOR SCOTT: Gene, how long is it going to take to do that? Because you're -- it's the same cost to go to the other outlying portions of the university, or is it cheaper for me to go to Beaufort or Spartanburg than to come to Columbia?

MR. WARR: I think, Senator, what we have is that -- like USC Sumter near me, not too far from where I live, is that most of those students are within a driving distance of USC Sumter, and I think that's true of a lot of our campuses, that they have the option to stay at home or near home and that saves a lot of money.

SENATOR SCOTT: But they're not -- but not -- and I don't mean to be confrontational, but you're telling me, looking at SAT scores, they are different than looking at the Columbia campus.

MR. WARR: Yes, sir.

SENATOR SCOTT: Then I think you've got your hand on the -- on the pulse or on the problem, is your numbers are not getting better because you've decided to lock in on your SAT scores, and that's just it.

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And until you look at something other than SAT scores -- in many cases, it still doesn't make the determination whether a kid is going to make it or not because some kids develop a little slower than others do.

MR. WARR: I agree with what you're saying. I believe that there needs to be a shift of that formula. We've talked about that too. As you probably know, some schools in this country are starting to shift away from it.

SENATOR SCOTT: I'll say this to you. When I look at the region -- I used Mississippi, and I gave examples of Louisiana, Georgia. They're doing a lot better than we are. So there's something they're doing that -- are doing right that we're not doing. And whatever that is, we need to kind of figure that out.

If SAT scores is the deal, given all the students that are applying to the Columbia campus and they send them out to these other schools, then something is wrong with that because I thought it was a large university system and not just a system that one school is so much more different than the other schools.

MR. WARR: Yes, sir. Senator, I agree with the general idea of what you're saying there. I agree with it. I would not -- I would not argue with that.

SENATOR SCOTT: So what does that mean in terms of -- in terms of - - you're the policy maker on the board and been on the board 17 years.

MR. WARR: Almost 17, yes, sir.

SENATOR SCOTT: So when does the -- those who were put in charge to be policy makers actually -- actually make some real decisions as to how we get our numbers better?

MR. WARR: Well, I think that we have made those decisions. I think that we've done things, such as the Gamecock Guarantee program, which is addressed to first-generation students, and also financial help.

We -- it's my understanding that over the past three years we've increased our African-American enrollment by a substantial -- or numbers, substantial numbers. And so we're taking one step at a time, and I think those steps have had success to continue on.

SENATOR SCOTT: When you say "substantial numbers," what do you mean, because the university has grown so much too?

MR. WARR: Yes, sir.

SENATOR SCOTT: Your intake system is taking in more kids, so is that you've taken in a substantial number of students or you're taking in students in proportion to what your growth numbers have been or slightly under your growth numbers? Because in the past, your numbers were

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better, and your numbers now don't look like they looked, I guess, seven, eight years ago.

MR. WARR: Percentages were better then, but the total numbers are better now, and I do believe a good bit of the percentage is being less because the percentages are counted differently than they were eight to ten years ago.

SENATOR SCOTT: What do you mean by that? I don't quite understand that.

MR. WARR: Well, it's my understanding, Senator, and I'm certainly not an expert on this, but what I've read is that up until I think -- I want to say around six or seven years ago. That could be wrong. That -- that if a -- if a young person is applying and they are part African-American and part some other race -- maybe they're whatever. It could be just multiple options. They would typically be counted as African-American.

But that is not the way it's counted now. Now it's a stricter, more -- more options to pick from. It's more precise. It's to just who -- what your background is. And so it's counted differently, and so those numbers look differently just based on that alone.

SENATOR SCOTT: So in essence before, the kids you were counting as African-American weren't truly African-American, so your numbers were inflated.

MR. WARR: Well, they were -- they were -- Senator, that was the way that, to my understanding, the government, the federal government, and other schools counted at that time too. So with comparison to other schools, it would have been true.

SENATOR SCOTT: So in essence you're saying that the numbers that are reflected now are really the true numbers --

MR. WARR: Yes, sir.

SENATOR SCOTT: -- and were really the true numbers back then. And if that's the case, it means that we've not put anything in place to be progressive.

MR. WARR: I think that -- what I mean, Senator, is the numbers now are accurate. The numbers back then were accurate as far as the way they were measured, the way that the divisions were made. And I think that -- I believe that I'm going by the way the federal government broke this down for us.

When the federal government made a decision to change that, we of course complied with that, which, again, means there are more options, more possibilities, and so when you look at the African-American percentages, it will be a lower number.

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SENATOR SCOTT: So I think when I looked at your population, the number is 34,731. And if you're five percent of that, you're less than 16 -- you're less than 1,800 students in a five-percent population.

MR. WARR: Senator, we've graduated on average about 2,600 African Americans per year over the last five years. I think it is about 2,600 averaged over the last five years per year, which is somewhat more than other school in the state.

SENATOR SCOTT: That's minority students, not African-American students because your percentage is -- if it's five percent, you can't get 2,600 because that means you have a larger pool, or it simply means that those kids who came in stayed longer and that made your graduation numbers be larger. The class I actually came in, I didn't graduate in that class because some of the work was five years, six years and makes my numbers look inflated for graduation.

And earlier someone had said, well, we graduate more students than South Carolina State, which I thought was not a good thing to say when you -- when they're at 2,200 and you're at 34,000.

MR. WARR: Yes, sir.

SENATOR SCOTT: So I mean -- so that was kind of a ridiculous statement to say.

But I'm saying when you actually look at it and you actually look at those kids who actually came in that class, with that class, your number of 2,600 looks good on paper, but in reality, it's not -- it's not a number statistically that actually matches the four-year program. So what I'm saying is that sounds good, but until your intake system actually grows where you've got an actual number and they're actually graduating with their classes, then you didn't get it inflated on the back at 800 students.

Thank you.

MR. WARR: Yes, sir. Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good afternoon, Mr. Warr, and thank you for your service on this board.

In looking at your 17 years of experience, you've seen a lot happen in that period of time, and I'm sure you've read the SACS report.

MR. WARR: Yes, sir.

REPRESENTATIVE CLARY: And after reading that SACS report and after going through what you and the other trustees have over the last -- let's just say year, year and a half, what is your takeaway from the way

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that you had been doing business and the way that governance is going to be in the future with your board?

MR. WARR: That we all need a better understanding of what's considered appropriate and inappropriate. We -- I believe that every member of the board was doing their best to operate as a trustee and ambassador to the school and do the right thing, respond to people, whoever they might be, with questions and problems.

But I think that we learned -- after a day and a half with the AGB folks back in January to address that report and the problems that came up in that report, we've learned that it's not the way we thought it was and that we must be more mindful of the walls that we have to keep around us. Sometimes that's going to result in frustrations with us and for us.

And I think that when you look at the rules that the universities and colleges in this country are expected to go by that we had gotten to the point of trying to be effective and thought we were doing the right thing, but because we had not had occasion to run out of bounds, we were just running as hard as we could to do what we thought was the right thing.

I don't think anyone on our board ever had any ill intention or any idea that they would be doing something that wouldn't be considered appropriate by AGB or by SACS. But we learned a good bit from the missteps, and I do believe it will make us a lot better going forward.

REPRESENTATIVE CLARY: You know, I -- that's a really good answer. You know, you used the word appropriate and inappropriate. It makes me harken back to another episode that we've had with a board in this state where we talked about prudent and imprudent.

And, you know, we need a wake-up call in this state insofar as our boards of trustees are concerned. I think that we've seen it from -- from your board to Santee Cooper, PSC, and it's just that people just get used to doing things the same old way, and the reason I asked about discussion, because I think discussion and disagreement's a really good thing

And this idea of being a rubber stamp and just doing what you've done in the past or what feels good is not going to work anymore, and I think that's the reason that it's generated so many questions and so much discussion.

So let me ask you one question, and I haven't asked anyone else this. In your committee system, I assume you have a compensation committee that deals with compensation above a certain level at the university.

MR. WARR: We do not have a separate compensation committee. The executive committee typically handles that. But, yes, sir, above a certain number, we have to consider it and approve it.

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REPRESENTATIVE CLARY: And when your committees meet and report back to the full board, are all of those committees, their reports, are they acted on by the full board, or are some just received as information?

MR. WARR: Some are received as information.

REPRESENTATIVE CLARY: Which ones would those be?

MR. WARR: Those are just the general, ongoing, routine things that maybe someone from the university comes up and makes a presentation about what's going on at your school, with a building, whatever, an update, and that would be as information.

But anything that has to be approved, voted on and approved by the board, would then go to a vote.

REPRESENTATIVE KING: Chairman?

REPRESENTATIVE CLARY: Thank you very much.

MR. WARR: Thank you.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

I guess you know what my questions are as you've been here.

MR. WARR: Sure.

REPRESENTATIVE KING: How did you vote on the president?

MR. WARR: I voted for General Caslen as president.

REPRESENTATIVE KING: Thank you.

Were you influenced from the outside forces as to your decision, and if so, how, and if not, how it was not influenced?

MR. WARR: Representative King, I was not influenced by anyone. I made that decision that I supported him early on. I thought he was an outstanding candidate, and I think he will be an outstanding president, and no one influenced that decision. I made that decision myself.

REPRESENTATIVE KING: Can you explain to me why the process changed? If you were so assured that he was the most qualified -- did you vote to change the process?

MR. WARR: No, sir.

REPRESENTATIVE KING: So can you explain to me how the process changed?

MR. WARR: I will do my best.

We were meeting on the last Friday in April of last year. We had the four candidates to consider. All four came before us and talked briefly. We thought we were going to take a vote that day, but we had a lot of debate, a lot of debate that day. And the general feeling apparently was that it would not be good at that time for us to move forward with that

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much disagreement, strong disagreement, about who the best candidate was.

At that time, we decided to go the route of making -- asking Brendan Kelly, the chancellor of USC Upstate, to serve as interim president, which he agreed to do. Along the way, last summer -- we go on through May, June discussing this, where are we. We go into July, and we have a vote. We have a meeting where a vote is taken.

It was my understanding at the time that General Caslen, who I believed all along was still the leading candidate -- I think it's fair to say he was still the leading candidate. I hope that's fair to say that. That he was strongly considering another job, and a decision was made that we needed to decide yes or no, do we want him as our president.

When we voted in July, I voted for him, as I would have in April.

REPRESENTATIVE KING: Were you contacted by the Governor?

MR. WARR: I was.

REPRESENTATIVE KING: I'll just say this, that I have constituents that contact me all the time about students there at USC that live or reside in my district, or I -- and I will reach out to the institution.

And it strikes me odd that sometimes I can't even get a phone call back as a sitting legislator for a constituent concern and I'm someone who can vote for you all to be on the board of trustees, versus the Governor calling, who has no vote in this, and you all move swiftly.

Thank you.

MR. WARR: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR ALEXANDER: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

And thank you for being here with us this afternoon.

I want to just turn to that consistency I've had about your board members and whether the student government president and/or a faculty representative should be a voting member. I understand they serve as ex officio at this point in time; is that correct?

MR. WARR: Yes, sir. Yes, sir.

SENATOR ALEXANDER: So what is your position on that?

MR. WARR: That they should not have a vote. I believe they should be at the table with a voice, but I do not believe that they should have a vote because I think they have -- narrow is not the right word, but they have a focused interest.

When we're sitting there as a board, as trustees, we have many interests to think about, the overall best interests of the university, the

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wide, big picture as to what's best of how we vote. I just don't think they'd be able to do that.

And it's also my understanding, Senator, that AGB and SACS do not recommend that as a good policy. And I don't know exactly all the reasons. Perhaps it's what I just said. Maybe it's others. But those are my reasons.

SENATOR ALEXANDER: Thank you, sir.

MR. WARR: Thank you.

SENATOR SCOTT: One quick question.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: I just want to pick up one quick question from Representative King. Did you campaign any of your board members?

MR. WARR: No, sir, I did not.

REPRESENTATIVE CLARY: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: You know, you alluded to the fact that you had an interim president that was lined up. You had made that decision. You had picked an interim. Were there associated costs involved with that?

MR. WARR: He --

REPRESENTATIVE CLARY: As far as relocation and that type of thing, salary?

MR. WARR: I think that what was done was that we agreed we would - - while he served as interim, we would increase his salary. I'm sorry I don't remember the exact number. It was something to make up to him moving his family to Columbia.

REPRESENTATIVE CLARY: Yeah. I'm not asking for numbers. I'm just -- you know, I guess what I'm getting at is the fact, to follow up on a lot of these questions, the vote was abandoned basically, you were going to start a new search, and then all of a sudden, you wind up in April and you -- and you hire General Caslen, but yet you've already made arrangements for Chancellor Kelly to be the interim.

It would be interesting to know what the total associated cost was with that.

MR. WARR: I'd be glad to get that for you. I don't remember it being a high number, but there was certainly a cost with it.

REPRESENTATIVE CLARY: Well, a high number to you and a high number to the people of this state, or a low number, might be totally different because when you're talking about money at the University of South Carolina and other institutions, you're dealing in big dollars, and the people of this state are dealing in small dollars.

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Thank you, sir.

MR. WARR: Thank you, sir.

CHAIRMAN SENATOR PEELER: Mr. Warr, thank you so much for your service and your attendance here today.

You recently added -- and I say "you" -- the board recently added ethics to your bylaws. Did you not have them before, and what -- why did you add them now?

MR. WARR: We had -- we had ethical policies, Senator. We had written guidelines. I'm not sure what the proper term would be for them, but we certainly had that, and everyone understood that they were to review that and that you're responsible for understanding what those ethics were.

Primarily, they would be what you would think they would be: be honest, don't do things you shouldn't do, and don't be influenced the way you shouldn't be influenced, and do your best to, in a high-integrity way, be a trustee.

CHAIRMAN SENATOR PEELER: I was just curious why now, why all of a sudden.

MR. WARR: Why were they added recently?

CHAIRMAN SENATOR PEELER: Yes, sir.

MR. WARR: I mean, it's just part of -- from time to time, we update the bylaws. And since I've been on the board, it's been a pretty regular thing that we would go back and try to improve things, try to make them -- update them to make them a little better, make them a little tighter, make them a little plainer at times, and I think that was part of that process.

CHAIRMAN SENATOR PEELER: I was just curious. I didn't know if your consultant recommended that or not. I didn't know.

MR. WARR: Senator Peeler, it's possible. I don't remember that as being a recommendation, but it certainly could have been.

CHAIRMAN SENATOR PEELER: Thank you, sir.

SENATOR ALEXANDER: Mr. Chairman, can I follow up?

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: So in the changing of those rules, bylaws, whatever, were there other changes other than adding the ethics to it?

MR. WARR: Yes, sir, Senator Alexander, there were. There were other minor changes that we've, from time to time, discussed, and -- but it was -- I would think that it would be fair to say there weren't any major changes.

SENATOR ALEXANDER: Other than that.

MR. WARR: Yes, sir.

SENATOR ALEXANDER: Thank you.

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CHAIRMAN SENATOR PEELER: Anyone else? What's the desire of the committee?

REPRESENTATIVE WHITMIRE: Move favorable.

CHAIRMAN SENATOR PEELER: The motion is favorable.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion?

Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you, sir.

MR. WARR: Thank you, Senator Peeler.

CHAIRMAN SENATOR PEELER: Next, James C. Williamson from Cheraw.

DR. WILLIAMSON: Hello.

CHAIRMAN SENATOR PEELER: Good afternoon, sir. For the record, if you would, give us your full name.

DR. WILLIAMSON: James C. Williamson.

CHAIRMAN SENATOR PEELER: Thank you. Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. WILLIAMSON: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

DR. WILLIAMSON: Yes, sir. Thank you, and I'm mindful of the time.

I'm joined with me today by my wife, who is also a proud USC graduate, and I am a candidate for the 4th Judicial Circuit. My proven result-focused leadership will ensure that the university will fulfill its mission to educate the state's citizens through teaching, research, creative activity, and community engagement.

I'm acutely aware of the high cost of higher education, and one of my priorities, if elected as a trustee, will be to address the escalating cost of a university degree. This has long been a focus of my career.

My lifelong commitment to higher education in South Carolina began with my undergraduate and master's degrees from Winthrop University and ultimately my Ph.D. from the University of South Carolina.

This commitment, combined with my experience as a former board member of Winthrop University and a former board of trustee member of the Chesterfield County School Board, my work as president of the South Carolina Technical College System, and my work as president of two technical colleges in the state, Williamsburg Tech and Northeastern Tech, is evidence of my understanding of and commitment to the advancement of education within our state.

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While working within the technical college system, I worked hand in hand with Dr. Harris Pastides to forge a guaranteed transfer pathway for students from the technical college system into a university program. I understand and embrace the fiduciary responsibility that a board member possesses.

USC is at a critical juncture regarding accreditation, and we must be diligent by displaying that we not only accept but embrace the role that accreditation plays in the life of a university. I have a deep understanding of the Southern Association of Colleges and Schools' standards and principles. I have served as a member, a reviewer, and chair of a number of committees during my career.

I would say that if I had walked into this situation at the University of South Carolina as an evaluator, I think that this would have been a huge red flag. I know it would have been a red flag. And we would have taken the appropriate action, just as Southern Association did.

A strong board, one that understands its role as a policy body, is essential, and I have the knowledge and the requisite skills to be successful. I've worked with college boards from the perspective as a president, as a system president, and as a board member.

My work in the private sector has also informed my decision making and leadership principles as I've witnessed firsthand the influence of higher education on our economy and specifically the healthcare sector. I've witnessed how education enables the private sector to remain competitive in an evolving economy.

I'm fortunate to work with a company that values education and provides necessary resources to enable our employees to grow professionally and personally. This commitment to education allows our company to remain solvent and thriving. We've worked collaboratively with both the USC College of Nursing as well as the College of Hospitality and Tourism to attract students from those programs, to hire them, and to put them to work in this economy.

I thank you for the opportunity to appear before this body, and I look forward to answering your questions and hope that I will be able to earn your support.

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

Senator Scott.

SENATOR SCOTT: Thank you, Dr. Williamson --

DR. WILLIAMSON: Thank you.

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SENATOR SCOTT: -- for your willingness to serve, but just one question comes to mind. An undergraduate from Winthrop with a master's degree from Winthrop, and Winthrop itself -- you mentioned about tuition -- has a much higher tuition than USC. Why not Winthrop to try to fix that issue?

I'm looking at in-state at 30,324 versus out-of-state at USC on your paper at 34,690. Even after financial aid or financial aid assistance, 17,274. So why not try to help them first, which is a smaller institution, gain some knowledge and some experience and then come to a larger -- I mean, you -- I'm just interested in your thought pattern on that.

DR. WILLIAMSON: Certainly.

SENATOR SCOTT: I mean, you may go there and do an excellent job, but just your thought pattern on that.

DR. WILLIAMSON: Well, they are very aware of my position on their outrageous tuition. When I was a board member, I made myself very clear about that. I voted against tuition increases. And I continue to stay in touch with members of the board of trustees.

SENATOR SCOTT: How long did you serve on that board?

DR. WILLIAMSON: Two years.

SENATOR SCOTT: Okay. So in two years, you're leaving that board and coming to this board, but no results and changing and still the conversations about tuition coming to this board, and a board that's a much larger board, so I'm trying to figure out what pattern you're going to go in to try to convince this board that the cost of going -- and you may have some great ideas. I'm just interested in knowing what they are.

DR. WILLIAMSON: Well, I resigned from that board because I became president of the South Carolina Technical College System, and I couldn't serve in that capacity --

SENATOR SCOTT: Right.

DR. WILLIAMSON: -- which I see as a real way to help reduce or to reign in tuition costs in the state.

SENATOR SCOTT: But the two years that you were there, the impact of the two years you were there on a smaller board, and still yet the cost to go was very expensive, and --

DR. WILLIAMSON: It still is.

SENATOR SCOTT: -- and I think -- I think that you just made a new president change up there too, at Winthrop too.

DR. WILLIAMSON: They have an interim.

SENATOR SCOTT: Right.

DR. WILLIAMSON: And they -- that interim will be there for two years as they start the search.

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SENATOR SCOTT: So I'm still thinking -- I'm still listening for your ideas of how you think you're going to get this larger board to get the tuition down. And you and I are on the same page. I just want some ideas of how you're going to convince them to bring tuition down.

DR. WILLIAMSON: Well, I think -- I think Dr. Pastides and I were onto some great things that needed to continue, and that was the -- certainly the Palmetto College, utilizing that, utilizing the branch campuses of the University of South Carolina, utilizing the technical college system.

You know, I think -- I'm fundamentally committed to education attainment in the state. I think that as a state we have to be committed to educational attainment at all levels. There is a need for associate degrees. There is a need for baccalaureate degrees, master's, and Ph.D.s.

And I think that anything that we can do -- and USC is in the position to be the flagship university and to be the standard-bearer to make that happen, and I think that I have a voice that could contribute to the overall mission of increasing the degree attainment in the state.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Briefly. Thank you, Mr. Chairman.

Good afternoon.

DR. WILLIAMSON: Good afternoon.

SENATOR ALEXANDER: Going first, I guess, to -- obviously the theme that I've kind of had part of the afternoon, or this afternoon, is dealing with the president of the student government and/or the faculty representative having voting rights.

And with your background and experience, it looks like you've saying what?

DR. WILLIAMSON: Yes. I do believe that they should have a vote, yes.

SENATOR ALEXANDER: Okay. And tell me again, if you could, the president of LTC University?

DR. WILLIAMSON: That is an internal continuing ed program that we run for our company. It is not -- we are only focusing on our employees. We are involved in registered apprenticeship programs, continuing medical education credits, CEUs for social workers, and things of that nature.

SENATOR ALEXANDER: Is there any potential for any conflict of interest --

DR. WILLIAMSON: No.

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SENATOR ALEXANDER: -- with your duties and responsibilities if you are elected?

DR. WILLIAMSON: No. We are a nonprofit and serve only our company.

SENATOR ALEXANDER: Is there any -- is there anything in your duties and responsibilities in that job that would preclude you from being able to attend regular --

DR. WILLIAMSON: No.

SENATOR ALEXANDER: -- scheduled meetings?

DR. WILLIAMSON: I'm in Columbia quite often.

SENATOR ALEXANDER: And you would do that in person rather than teleconferencing?

DR. WILLIAMSON: Yes.

SENATOR ALEXANDER: Okay. Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good afternoon, Dr. Williamson.

DR. WILLIAMSON: Good afternoon.

REPRESENTATIVE CLARY: And once again, like everyone else, thank you for offering to serve in this position.

In looking at the SACS report -- have you had the opportunity to view that report?

DR. WILLIAMSON: I have read the -- I have not read the full report. I've read the narrative and saw that they were sanctioned by -- they were placed on a monitoring report.

REPRESENTATIVE CLARY: I think there's going to be a --

DR. WILLIAMSON: A follow-up.

REPRESENTATIVE CLARY: -- a report in September --

DR. WILLIAMSON: Correct.

REPRESENTATIVE CLARY: -- of this year.

DR. WILLIAMSON: Right.

REPRESENTATIVE CLARY: From your experience with SACS, how unusual is that?

DR. WILLIAMSON: It is --

REPRESENTATIVE CLARY: On the issues that were raised.

DR. WILLIAMSON: Oh, on the issues that were raised.

I don't -- there were -- I am aware of a couple of institutions that have had issues with undue outside influence. It has been resolved. But never had I known of that in South Carolina.

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Of course it is important to note that a SACS reviewer cannot review a college or university within their own state. You are assigned to states outside of your own state.

REPRESENTATIVE CLARY: Right. And I would understand that. But you did have access to that report?

DR. WILLIAMSON: Yes, yes.

REPRESENTATIVE CLARY: Thank you, sir.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

A quick one. Earlier, it was stated about the student having voting rights on the board or faculty having voting rights on the board, and they mentioned conflict of interest. You don't think they would have a conflict?

DR. WILLIAMSON: I think that they all -- all board members take an oath of office, and they pledge to recuse themselves if a conflict does arise. And so I think that with the proper orientation, they would need -- they would know when they needed to recuse themselves.

CHAIRMAN SENATOR PEELER: You don't think that would be quite often?

DR. WILLIAMSON: Not that I'm -- no, I don't -- I don't --

CHAIRMAN SENATOR PEELER: You don't think so?

DR. WILLIAMSON: I don't think so.

SENATOR ALEXANDER: Could I follow --

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Could I follow up on that?

CHAIRMAN SENATOR PEELER: Certainly.

SENATOR ALEXANDER: So do you not think that the impact that they're having as nonvote -- being present and having the ability to discuss and be nonvoting members is sufficient?

DR. WILLIAMSON: It certainly could be. You certainly have to have their input. But I do believe that there would be some issues that the student and the faculty representative, there would be value in having them vote.

SENATOR ALEXANDER: Okay. Thank you.

SENATOR SCOTT: One other question, unless you want to finish your question.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Just another question. Another question.

CHAIRMAN SENATOR PEELER: Yeah. You're recognized, Senator Scott.

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SENATOR SCOTT: I want to go back for a minute to your work history for just a second.

DR. WILLIAMSON: Okay.

SENATOR SCOTT: You've worked at four technical school or four tech schools, and how many years were you involved in the tech system?

DR. WILLIAMSON: I was at USC Union prior to the Technical College System. I started at the tech system in '90...

I'll have to go back and look at my resume.

SENATOR SCOTT: I see Union, USC Union.

DR. WILLIAMSON: USC Union.

SENATOR SCOTT: That's in '87.

DR. WILLIAMSON: '87, and then '89 is when I went to Florence-Darlington. And I've progressively worked through lots of -- they were all promotions throughout the way.

SENATOR SCOTT: Okay. And I see you were elected to the Chesterfield County School Board, but then you ran for the Union School Board.

DR. WILLIAMSON: I did. I did.

SENATOR SCOTT: Just moving from place to place?

DR. WILLIAMSON: When I was in Union, I ran for the Union School Board, correct.

SENATOR SCOTT: Okay. I'm finished.

DR. WILLIAMSON: Unsuccessfully.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE WHITMIRE: Favorable.

REPRESENTATIVE KING: Second.

CHAIRMAN SENATOR PEELER: The motion is favorable and seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. It'll be unanimous, including Ms. Davis.

DR. WILLIAMSON: Thank you.

CHAIRMAN SENATOR PEELER: All right. Next we have the 6th Judicial Circuit, Tab N, Hubert Mobley from Lancaster.

MR. MOBLEY: Hubert F. Mobley. I go by Hugh.

CHAIRMAN SENATOR PEELER: Thank you, sir. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. MOBLEY: Yes, sir, I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement.

MR. MOBLEY: It'll be brief.

CHAIRMAN SENATOR PEELER: Thank you, sir.

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MR. MOBLEY: Number one, I appreciate the opportunity to have served. I've been on the board since 2011. I'm at the point in my life where I'm afforded some freedom as far as work goes, and I can be down here a lot, and I have spent a lot of time down here in the last year and a half.

The other thing I'm proud of is the fact that -- Senator Peeler, you mentioned satellite campuses. We have a very good one in Lancaster, well served. We're able to educate people, and the local community supports it enormously. We're able to provide private scholarships, and average out-of-pocket cost is about \$300 per semester per student. Their motto is "Where futures begin."

So I think it's important that those satellite campuses continue to do well. As a matter of fact, if you look at the example of Purdue University, they've taken the opportunity to buy community colleges through a growth program, and Purdue is run by the former governor, I believe, of Illinois.

So I'd like the opportunity to continue to serve, and for the sake of time, I'll allow you to ask the questions, which I'm sure we're going to be familiar with.

CHAIRMAN SENATOR PEELER: We will.

REPRESENTATIVE KING: I have a question.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

And Mr. Mobley, the same questions -- even though you are a good friend of mine, I'm still going to ask you the same questions.

MR. MOBLEY: Thank you.

REPRESENTATIVE KING: How did you vote on the president?

MR. MOBLEY: Mr. King, I made the motion for the president, and I voted him affirmative.

REPRESENTATIVE KING: Do you think had the outside forces not been involved, the process would have not changed?

MR. MOBLEY: I don't know the answer to that. I am disappointed we didn't vote in April because I thought we had the support then. I can't comment. I think, from talking to other board members, I don't think the outside forces had that much to do with it.

REPRESENTATIVE KING: My next question for you, as you have attended several of the Legislative Black Caucus meetings, and understanding the frustration that the caucus has with diversity, how do you look forward in changing the perception that many of us have in reference to diversity at the University of South Carolina?

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MR. MOBLEY: Well, you can't change an organization unless you change the top, and I think you've heard in the past that we've got some six to eight positions open at what I call the C suite or administrative level. We've already seen one of them be hired as a person of color who is now a vice president and director of diversity for the university.

I anticipate that there will be others named, people of color, in those positions. So those will be people that will be in leadership positions that will start to institute policy throughout the system, and I believe that is the beginning of addressing some of the issues of disparity with the numbers, in Columbia especially.

I think you well -- I think you well know that the system campuses look a lot like South Carolina, the system and the two-year campuses. But Columbia does not.

REPRESENTATIVE KING: Thank you, Mr. Chair.

SENATOR SCOTT: Mr. Chair?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Yes, sir.

Thank you, Mr. Mobley, for your willingness to serve.

I'm looking at some data y'all sent -- it's in the back of your application -- that talks about time span for graduation.

MR. MOBLEY: Correct.

SENATOR SCOTT: But the data is eight years old, so I don't know why y'all sent data that old to us, 2012, for graduation time at each one of the different schools.

MR. MOBLEY: Are you referring to the 2012 or 2013?

SENATOR SCOTT: '12 or '13. Both of the data would be old.

MR. MOBLEY: Correct. But you have to --

SENATOR SCOTT: They would not --

MR. MOBLEY: You have to begin counting -- if you're going to count a four-year, you have to back up four years. If you're going to count six years, you have to back six.

SENATOR SCOTT: What do you mean? If you count '14 -- or '13, you're still at '17.

MR. MOBLEY: Right, but this is the data -- this was the data that was on file at the time your report was given to you.

SENATOR SCOTT: But you stamped it in December the 19th. I'm pretty sure you've got some more data that would tell me what your graduation rates are from eight years ago. Are you comparing 2012 to what? Because you gave it to me about each one of the -- each one of the schools. I've had to scan --

MR. MOBLEY: Okay.

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SENATOR SCOTT: -- and google to try to get the real updated data. So if I was trying to make the comparison --

MR. MOBLEY: Okay.

SENATOR SCOTT: -- it would be hard for me to do that.

MR. MOBLEY: Okay. Let's just talk about the four-year rate from -- the 2011 to '17 data was 58 percent. The 2012 to 2018 data was 62.5.

SENATOR SCOTT: Well, I'm showing in your 2012, USC four-year was 62.4.

MR. MOBLEY: I've got 62.5. It could be a rounding error.

SENATOR SCOTT: Five, four, or whatever.

MR. MOBLEY: Yeah.

SENATOR SCOTT: I'm just going off the data that you gave me.

MR. MOBLEY: Right.

SENATOR SCOTT: And for USC Aiken, 20.3. And USC Beaufort, 18.8. And USC, 29.5, which brings us to the earlier discussion I had as relates to SAT scores and why -- and is that the rationale behind the higher SAT scores to the four-year period of graduation so that you've just kind of kept everybody in one school so those number are good?

MR. MOBLEY: I'm sure that has a lot to do with it.

SENATOR SCOTT: Okay.

MR. MOBLEY: And I can give you a personal example. I have four children. I call two high-score SATs and two non-high-score SATs.

SENATOR SCOTT: Okay.

MR. MOBLEY: My two non-score-higher SATs have actually done better over time than the two higher scored SATs, with one exception.

So I was not a great test taker, and I did not score well on the SAT. Personally, I think the SAT needs to be encompassed in a holistic review rather than the SAT on its own. But it seems like most of the colleges in the United States are using that SAT approach.

SENATOR SCOTT: Isn't the SAT approach simply because of the lottery scholarship money, the difference between paying about 84,000 -- I'm using 21,000 --

MR. MOBLEY: Yeah.

SENATOR SCOTT: -- as a benchmark for -- to pay for an academic year, paying \$5,000, saving about 20,000, cutting that cut from 84,000 down to 64,000. Is that to keep those numbers in line with the cost to go to school?

MR. MOBLEY: That's the only reason I can think of because on the system campuses, the competition level for the -- the level of the SAT is not as high.

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SENATOR SCOTT: I wonder if you -- if you use that as an example and you went to these other schools, in many cases if a kid doesn't get in that school, he'll try to get into one of the schools.

Rather than using top 25 or 15, whatever you're using in your intake system, if you rolled it back to, let's say, a thousand as an example and you go to the other schools, is that the numbers that that's making up, these other numbers, and keeping them in the line?

MR. MOBLEY: I don't know the answer to that.

SENATOR SCOTT: I suggest you may want to look at it.

MR. MOBLEY: Okay. That's -- that's a great question.

I will say this in regards to having a system. For instance, my two low-score students went to the University of South Carolina, and after a period of time, they did a campus transfer, at which time only their grades were under consideration, rather than their test scores.

SENATOR SCOTT: Right. And that's the point I'm making. If you're going to get the intake system up so you can get your numbers up of African Americans, maybe we need to consider looking at the data to see if the data actually supports it because the outlying areas is where these schools are with these kids who may have performed better in the four-year period of time, but we lost the opportunity to get our numbers up rather than stacking these other schools.

MR. MOBLEY: I don't -- I don't disagree with your argument at all.

SENATOR SCOTT: Well, I'm just trying to give y'all something to work with because it appears, every time y'all come, you don't have any answers --

MR. MOBLEY: Right.

SENATOR SCOTT: -- other than, you know, this is what we have and we're talking about it. So I mean, a little bit more research, a little bit more data, because y'all own the school of business.

MR. MOBLEY: I think one of the things in regards to your comment about increasing the number of African Americans is, A, mentoring programs in high schools and education programs about opportunities in higher ed in middle schools, which we are doing through the University of Possibilities.

And I believe there's a proviso that changes the need-based from 20 - - I'm using round numbers -- from 25- to 50,000, which will open the door.

SENATOR SCOTT: But zero to two SAT scores that you're using as a vehicle -- because that means the kid could come in with a B average and an SAT score under the required to get the top lottery dollars, and the kids could shift it.

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And the next year, grade-wise, that kid is doing better than the kid that you took in with a higher SAT score. I'm just simply saying take a look at the data because the data may show you something altogether different.

MR. MOBLEY: We do not mandate they are shifted. That's something that they can choose on their own. But I hear what you're saying. That's a valid point.

SENATOR SCOTT: Okay. Thank you.

MR. MOBLEY: Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good afternoon, Mr. Mobley, and thank you for your service on this board.

Tell me the different roles that you've had on the U of SC board of trustees.

MR. MOBLEY: I went on in 2011 at an unexpired term, and I served for a year as chair of health affairs and then subsequently vice chair, and then most recently, I served as chair of the search committee.

REPRESENTATIVE CLARY: And chair of the search committee, that would be the search committee for the president?

MR. MOBLEY: For the president, yes, sir.

REPRESENTATIVE CLARY: And you mentioned that you have spent a lot of time in Columbia over the last year and a half. I guess that coincides with all the work that you did associated with the search for the president.

MR. MOBLEY: Yes, sir.

REPRESENTATIVE CLARY: Now, you've heard the questions because you've been in here the entire time that we've been questioning the other members -- or prospective members of the board about the SACS report. You've read that?

MR. MOBLEY: Yes, sir.

REPRESENTATIVE CLARY: And in reading that, what -- do you acknowledge that there were problems associated with your board and the manner in which this issue was handled?

MR. MOBLEY: Actually, SACS wrote us a letter notifying us of monitoring, and AGB created the report, I think, that you're referring to.

REPRESENTATIVE CLARY: Well, I thought someone had a SACS -- showed me a SACS report.

MR. MOBLEY: It was probably a letter --

REPRESENTATIVE CLARY: A letter? Okay.

MR. MOBLEY: -- that they did.

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REPRESENTATIVE CLARY: And maybe that was the AGB report?

MR. MOBLEY: Right, right, correct.

REPRESENTATIVE CLARY: Is that AGB report public, a public record?

MR. MOBLEY: I'm sure that it is.

REPRESENTATIVE CLARY: So if I went to your website, I could find it?

MR. MOBLEY: I don't know if it's on the website, but it should be, if you want it. Or I'll send you a copy.

REPRESENTATIVE CLARY: You know, the -- something that was mentioned is you said that you can't change, in response to Representative King's question --

MR. MOBLEY: Uh-huh.

REPRESENTATIVE CLARY: -- can't change the organization unless you change the top. Doesn't that beg the question that the top really, insofar as policy is concerned, is the board of trustees? Because you're going to be setting the policy --

MR. MOBLEY: Correct.

REPRESENTATIVE CLARY: -- that you expect the administration to play out.

MR. MOBLEY: Right.

REPRESENTATIVE CLARY: And you've been on the board since 2011.

MR. MOBLEY: Yes, sir.

REPRESENTATIVE CLARY: Did it only occur recently that the idea should change, that you should have more people of color, more diversity, that kind of thing?

MR. MOBLEY: No, I think it's -- I think it's been known, and that's been discussed every time that I've been here. Somebody said earlier, We don't choose the people that offer to -- offer themselves for trustees, so -- and it does take a lot of time and commitment away from...

In regards to my deciding whether or not to pursue this at this term, I talked to every one of my legislative delegation in Lancaster and around and asked -- told them I was considering running and that I thought that -- I wanted to get their thoughts, and if they wanted to make a change, it was fine, or if that if they wanted somebody of diversity, that they would do it, that I would facilitate that.

REPRESENTATIVE CLARY: I believe you. Maybe I was inartful in the way that I asked the question.

I'm talking about when the university itself, policy that was in place from 2011 until within the last year that has changed the manner in which

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people are being hired for university positions. What precipitated that change? Could the board have not made the decision long before 2019 to say we're going to do a better job of hiring minorities?

MR. MOBLEY: Well, I -- I don't want to get confused because we've been talking about the AGB report, so are you talking about that? But in regards to HR and employment policies, that's built into the diversity plan.

REPRESENTATIVE CLARY: Yeah. I was going back to Representative King's question because you've talked about hiring VPs for diversity, inclusion, and so forth.

MR. MOBLEY: Right.

REPRESENTATIVE CLARY: And that should be a policy that would be established by the board if it's not already there, shouldn't it?

MR. MOBLEY: It is. It is.

REPRESENTATIVE CLARY: Okay.

MR. MOBLEY: And that was what I was talking about. In human resources, the director manages that, and we always have in a search somebody that is the, you know -- I don't know what the term I'm using -- diversity officer that sits in to that, and then there's an intentional effort to try to include a pool.

REPRESENTATIVE CLARY: So what you're telling me is this is not something that is new.

MR. MOBLEY: No.

REPRESENTATIVE CLARY: But there have just been more hires recently that reflect this policy.

MR. MOBLEY: I think that's accurate. Thank you.

REPRESENTATIVE CLARY: Thank you very much.

MR. MOBLEY: Sorry, I didn't understand.

REPRESENTATIVE CLARY: No, once again, maybe I was inartful in the way that I phrased my question.

MR. MOBLEY: Yeah, sure.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon. I appreciate your willingness to continue to offer and for being with us this afternoon.

I wanted to go to that consistency of the question I've had, and I thought your -- I want to hear a little bit more about your answer on whether the student government president or a -- and/or a faculty representative should serve on the board.

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MR. MOBLEY: I think the question boils down to the term called fiduciary, and as we learned during the AGB retreat that the board of trustees -- we knew this before, but the board of trustees members act as fiduciaries of an institution.

And I believe the reason that we act as fiduciaries is because we're elected by the General Assembly in that regard. So if the General Assembly decided that the student body president and the faculty representative could act as fiduciaries, then I think it's fine.

I do have a concern that there's a conflict of interest, especially in regard -- I know when my child was 21 years old, I had to keep up with her checking account. I worry about their ability to understand the financial regard for it. So I think the issue boils down to do we want to consider those people fiduciaries, and I think there's a lot of obstacles there that makes that difficult.

SENATOR ALEXANDER: Okay. So is that consistent with what you kind of submitted to us, or is that a little bit changed from --

MR. MOBLEY: No, no.

SENATOR ALEXANDER: -- your questionnaire?

MR. MOBLEY: I think it's --

SENATOR ALEXANDER: Because your questionnaire, you said it was -- specifically you didn't -- you voiced just that it's up to the legislature, if I'm reading that correctly.

MR. MOBLEY: Well, because I believe the legislature owns the decision about the fiduciary in regards to the board member.

SENATOR ALEXANDER: So that's -- that's -- so I understand that. So I guess the question --

MR. MOBLEY: If the board was in charge of making that decision, I would not be in favor of that.

SENATOR ALEXANDER: Okay. Thank you.

MR. MOBLEY: I hope that clarifies that.

SENATOR ALEXANDER: Yeah, that clarifies --

MR. MOBLEY: Okay.

SENATOR ALEXANDER: -- what I was looking for.

And then I think it's -- you mentioned here, as one of the ways to improve the school financial efficiencies, retention and graduation rates, and then increase South Carolinians attending.

What is that current makeup of --

MR. MOBLEY: Well, overall --

SENATOR ALEXANDER: -- and what should it be?

MR. MOBLEY: The overall university system is about two thirds. I think the freshman class was something like 51 percent. But --

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SENATOR ALEXANDER: How about the senior class, and how about your flagship university?

MR. MOBLEY: Well, I was talking about mainly Columbia.

SENATOR ALEXANDER: Okay. I thought --

MR. MOBLEY: Now, if you get into the systems -- like in Lancaster, it's 97 percent.

SENATOR ALEXANDER: Okay.

MR. MOBLEY: So --

SENATOR ALEXANDER: Originally, I thought I heard you say system-wide and stuff, but...

MR. MOBLEY: I may -- I may have. I may have said that.

SENATOR ALEXANDER: Okay. I thought you were talking about the --

MR. MOBLEY: But ways that we need to do that is, number one -- I've learned this from my business experience. When things get a little slow in a certain area, you've got to get out and work it.

So I think what we've got to do is get into the high schools, get into the middle schools, and cultivate that. There are a lot of children out there now and students out there now, single parents who really don't know that higher education is an option for people. I mean, they think that high school is a dead-end street, and I think we've got to change that.

SENATOR ALEXANDER: And what has your attendance been as a board member?

MR. MOBLEY: I've been at 100 percent of the meetings.

SENATOR ALEXANDER: And are those all 100 percent in --

MR. MOBLEY: If the meetings are in Columbia, I am usually at those meetings physically. If it is a called meeting, for phone, if I'm in Columbia I go by there while they host, or either I'll participate by phone. But I have not missed a meeting.

SENATOR ALEXANDER: But certainly regular, scheduled meetings, you're --

MR. MOBLEY: Every one.

SENATOR ALEXANDER: -- present and accounted for in person.

MR. MOBLEY: Every one of them. Every one of them.

SENATOR ALEXANDER: Thank you.

REPRESENTATIVE KING: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair, and I promise you I won't go on long.

A question, Mr. Mobley. What are some of the benefits of being a board member, fringe benefits of being a board member? Do y'all get

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free tickets to the games, a suite? What are those things that you all get? I know, with us, we have to report everything. What is reportable?

MR. MOBLEY: We report that. As a matter of fact, I asked this morning where my -- where my report was so I could file my ethics report, and it's all on my ethics report.

REPRESENTATIVE KING: Are those things that you all have to pay for?

MR. MOBLEY: Some we do. Some we do not. But they're noted on the ethics reporting form, and I think if you look at mine, attached to that it notes tickets and parking and whatnot.

I save the university a lot of money because I stay in my own condo here. They don't pay for my housing.

REPRESENTATIVE KING: So when it comes to the games, out-of-state games, whatever, do you all -- do y'all -- how does that work?

MR. MOBLEY: Usually there's one game a year that's a trip to another school. It's usually an SEC school. And we couple that with touring their student life center or chemistry lab to learn a little bit more about that that we can put into place, you know, or get another opinion on.

REPRESENTATIVE KING: I just didn't know. I was just asking. Thank you.

MR. MOBLEY: Yeah, yeah.

CHAIRMAN SENATOR PEELER: Mr. Mobley, how is the chairman of the board of trustees -- how is that person elected, and how often do you change?

MR. MOBLEY: Chair and vice chair serve for two-year terms, renewable one time, and that's elected by the board every other August at a reorganization meeting.

CHAIRMAN SENATOR PEELER: Is it normal that the vice chair becomes chair?

MR. MOBLEY: It has been.

CHAIRMAN SENATOR PEELER: Are you the vice chair now?

MR. MOBLEY: I am.

CHAIRMAN SENATOR PEELER: Do you think you'll be promoted to chair?

MR. MOBLEY: I don't know about that. It's up to the board. What I want is what's best for the university.

CHAIRMAN SENATOR PEELER: When will that be determined?

MR. MOBLEY: August.

CHAIRMAN SENATOR PEELER: This coming August?

MR. MOBLEY: Yes, sir.

CHAIRMAN SENATOR PEELER: For a two-year term.

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MR. MOBLEY: Yes, sir. Unless the bylaws change.

CHAIRMAN SENATOR PEELER: What's the desire of the committee?

REPRESENTATIVE CLARY: (Raises hand.)

SENATOR ALEXANDER: Move favorable.

CHAIRMAN SENATOR PEELER: The motion is favorable. Is there any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous, including Ms. Davis.

Thank you, sir.

MR. MOBLEY: Thank you very much.

CHAIRMAN SENATOR PEELER: Next, under Tab O, Spiro Poulos from Chester.

Good afternoon, sir.

MR. POULOS: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. POULOS: Spiro Poulos.

CHAIRMAN SENATOR PEELER: Okay. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. POULOS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. POULOS: Yes.

Mr. Chairman, members of the screening committee, my name is Spiro Poulos, and I am an attorney and candidate for the University of South Carolina board of trustees 6th Circuit seat.

I am originally from Chester County and continue to reside in Chester County with my wife and soon-to-be daughter that we will welcome into this world within the next few days. I hope it's not right now.

I currently practice law at the Poulos Law Firm in Chester along with my sister and law partner. After graduating from Chester High School in 1998, I decided to attend the University of South Carolina here in Columbia, which ended up being one of the best decisions of my life.

While I was a student at USC, I was fortunate enough to be a page for three sessions, splitting time between the Honorable Greg Delleney in the House of Representatives as well as a Senate page for the Honorable Linda Short.

I graduated from the University of South Carolina in May of 2002 with a double major in finance and marketing, along with a minor in criminal justice. After I graduated college, I worked for a short time as an insurance adjuster, but I always had the dream of going to law school

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and becoming a successful attorney someday. I attended the Charleston School of Law and was part of the inaugural graduating class in 2007.

After graduating law school and passing the bar exam, I went to work at the Solicitor's Office in Lancaster, where I worked as a prosecutor. I tried several cases as a prosecutor against some of the best lawyers in the area during that time and gained valuable experience as well.

When I made the decision to leave the Solicitor's Office, I decided that I wanted to open my own office and be a sole practitioner until I could build the practice up enough to where my sister could join me as a law partner. I had tons of experience trying cases as a prosecutor, but I had zero experience in dealing with clients, defending clients, filing divorce paperwork, or even filing a civil suit. However, I was a quick learner, never was afraid to ask questions, and I always listen to people and listen to their opinions, even though I had to decide which opinions would better suit me or not suit me.

Opening a law office from scratch was definitely challenging, but I have always been the type of person who never backs down from a challenge and never gives up. I think a lot of it has to do with the fact that both grandparents on both sides of my family immigrated here from Greece. They came here with nothing, worked hard, and became successful people. So I was taught from a young age that, with hard work and determination, you can be successful.

I feel that not only my life experiences, but my legal experiences has prepared me to take on the challenge of being on the board of trustees for the University of South Carolina. I cannot sit here today and tell you that I know everything about how to run a university or that I know a lot about how to run a university. However, I can tell you that I am a fast learner, and I promise not to let anybody down if I am chosen to sit on the board of trustees.

I think it is an honor to sit on the board, and I will always treat it with the utmost respect that it deserves. I will strive to always make positive steps forward with the university and to always do the right thing, such as helping USC continue to excel with diversity, and I know they may have some problems, but my goal is to continue to try to make forward steps with that, finding ways to help with tuition costs, and to make USC the ultimate in academic excellence.

I also believe in transparency. I believe it's an important element of our board. And I believe in following the proper procedure when it comes to making decisions, whether they're big or whether they're small, for our university. And I will also try to bring unity back to the board of trustees and make sure that every decision I make is in the best

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interest of the University of South Carolina and only the University of South Carolina.

Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

Questions, comments?

REPRESENTATIVE KING: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

I just have a question for you about the G. Is that Gus?

MR. POULOS: It is.

REPRESENTATIVE KING: When you speak of diversity, what is your plan in reference to diversity at the -- what do you see as diversity at the University of South Carolina?

MR. POULOS: You mean what do I see it as now, or how do I see about possibly fixing it?

REPRESENTATIVE KING: How do you see fixing it?

MR. POULOS: The only thing I see is, is you have to get out there in these communities -- I'm from Chester. I believe you're from Chester originally.

REPRESENTATIVE KING: Yes.

MR. POULOS: Places like Chester -- Lancaster used to be, I guess, considered small, but they're kind of big now. But places like Chester, Union County, those small places, that's where I was born and raised.

So you have to get in the schools, I think. You have to have some kind of an outreach program that basically goes to the schools and allows them to see what life is at the University of South Carolina.

Some of these low-income families -- like I said, I'm from Chester, so I'm aware of that. I don't -- I can't even remember -- I don't even think we had anybody come to our school when I was in high school. I just always wanted to go to USC, and everybody in Chester, as you know, wanted to go to Clemson. And I grew up on a farm, so the natural thing for me to do was go to Clemson, but --

REPRESENTATIVE KING: Now, you know there's a lot of Clemson folk here, so be careful.

MR. POULOS: I do. I do. And I have a ton of Clemson friends, so...

But that's how I think, with some sort of outreach program, and just to get some people out in these small communities and schools to kind of promote the university, I believe, would be a great help. Lowering tuition rates for these people. Things like that.

REPRESENTATIVE KING: Thank you.

SENATOR VERDIN: (Raises hand.)

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CHAIRMAN SENATOR PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. Chairman.

What kind of farming?

MR. POULOS: Cattle.

SENATOR VERDIN: Still have them?

MR. POULOS: And a hunting club. Yes, sir.

SENATOR VERDIN: I know you haven't had a lot of time because his tenure's been short, but as an alumnus, are you comfortable -- do you have a good feeling about the leadership at the university, specifically the office of the president?

MR. POULOS: From what I've read so far, I think the president is not a bad person. I think he was possibly thrown into a situation that involved whatever took place.

I'm a firm believer in the process. I feel like the process probably was not followed. Being an attorney, I mean, it's ingrained to us that there's a process. You can't get a piece of evidence in court unless you lay a foundation and you follow the process.

I just cannot see jumping steps to get somebody, whether they have another job lined or whatever. I personally would probably have looked at him and said, I'm sorry, but if it's more important to you, go somewhere else. But that's just the way I -- that's the way I was raised and the way I practice law at this time. I hope that answers your question.

SENATOR VERDIN: Yes, sir. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Senator Alexander -- well, I think Senator Scott is next.

SENATOR SCOTT: Thank you for willingness to serve.

The 6th Circuit Solicitor's Office, how large an office was that? How many folk are in that office?

MR. POULOS: At the time when I was there, we had the solicitor and about four assistant solicitors there.

SENATOR SCOTT: What about the 7th?

MR. POULOS: The 7th Solicitor's Office?

SENATOR SCOTT: Yes.

MR. POULOS: That was -- that had about 20, 25.

SENATOR SCOTT: Did either one of those offices have African Americans working in those offices? That should have been easy. It's yes or no.

MR. POULOS: I believe -- I believe Spartanburg had African Americans. I don't think Lancaster did.

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SENATOR SCOTT: Okay. So comfort level in trying to deal with diversity issues at the university, I think a lot of comfort level comes with growing and having the opportunity to really see and understand culture differences and those things that become more diverse as you try to work through those issues.

I was hoping that you said in these two solicitor's offices you had a chance to work side by side, to really kind of understand some of that, so if you are on the board -- and maybe you have another experience --

MR. POULOS: Yes, sir.

SENATOR SCOTT: -- or some experiences that you have been working in a diverse environment. Do you have any of that?

MR. POULOS: Well, Senator Scott, I -- as I was saying earlier, I went to Chester High School. I think it was probably about 60 percent white and 40 percent, 45 percent African-American when I was there.

SENATOR SCOTT: Okay.

MR. POULOS: I've practiced law there. I mean, it's -- it's -- I deal with diversity every day. I've dealt with it my whole life.

SENATOR SCOTT: Right.

MR. POULOS: I was a product of the public schools. I had some small jobs here and there between college and being an insurance adjustor, and I did work side by side with some diverse background people.

And I've never had a problem getting along with anybody. My parents actually -- they kid me all the time. They say, I believe you could get along with the devil sometimes. And I just say, Well, I'd just watch him a little closer.

SENATOR SCOTT: And the reason why I asked, because I've had the opportunity in the past when I was in the Governor's Office of working in Union, Lancaster, York, and Chester, and I know how divided those communities were.

And I don't know whether or not any of that has changed over the years so there is an openness when you have to recruit for those communities, where you really understand the community, even the ones that you lived in, that you're able to pull people in because you understand diversity, even if it's an administrative person, staff, a teacher, or someone of that nature.

So tell me a little bit about if you are on that board, given that USC is struggling with having a diversity plan, some of the things that you would actually do if you've had the opportunity to kind of study that.

MR. POULOS: You mean as far as --

SENATOR SCOTT: Diversity. They've got problems with numbers and trying to recruit African Americans to come to the school.

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MR. POULOS: Yes, sir.

SENATOR SCOTT: What would you -- what would you do?

MR. POULOS: Yes, sir. Well, I think --

SENATOR SCOTT: And I was trying to establish a groundwork that you've said, well, I've done this and this and this --

MR. POULOS: Yes, sir. Yes, sir.

SENATOR SCOTT: -- so it makes it easier for -- just like you said a minute ago, if you're going to get the evidence in, you've got to lay the groundwork.

MR. POULOS: That's right. That's right. I agree. I think --

SENATOR SCOTT: So I tried to lay it, but I didn't get what I thought I would get.

MR. POULOS: Yes, sir. I -- well, I -- and maybe I didn't get the right answer out there.

SENATOR SCOTT: That's okay.

MR. POULOS: As I was telling Representative King earlier, I was thinking of maybe an outreach -- some type of an outreach program to get into these schools.

I think if you target small communities like Chester and Union and some of the other small communities where there's a higher number of African Americans, I think that just by the fact of being visible there, I think that will help, along with -- along with tuition reductions.

SENATOR SCOTT: Well, keep in mind, USC has probably one of the largest intake systems in the state, given the number of applicants they get in for the freshman class. I think I heard 15,000 applications came in, I think, to fill a 5,000 class slot, more or less.

And so getting them to come in to interview is not the issue. The issue is once they're there, how we try to make sure that they select our school as well as there's an open process to get them in because when we're looking at the other -- other portions of the university, they're going to those.

MR. POULOS: Yes, sir.

SENATOR SCOTT: But for some reason, the intake system for the Columbia campus is broken, and they can't seem to get those students in.

MR. POULOS: Well, I'm not really sure about what's broken. I'm sure if I was --

SENATOR SCOTT: But I am. Trust me, I am.

MR. POULOS: Yes, sir. Yes, sir. I understand you know. If I was able to sit, I'd probably get to the bottom of it quicker than I can right now being on the outside looking in.

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But I just feel like it -- maybe offer some kind of incentive, like waive the -- I heard they were talking about application fees earlier or something. Maybe say if you're from a small town and you're a minority, we'll waive your application fee, something to -- something to -- you know, to make it more appealable.

SENATOR SCOTT: Thank you. I appreciate it.

MR. POULOS: Yes, sir.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon. I'll try to be real brief here.

It says where -- under your comments here, it says, I'd like to serve on the trustees to help bring unity to the trustees and to help bring USC to a higher level on all aspects.

Is unity on the board critical?

MR. POULOS: I think it is. I think -- I think if you even look at our old sayings, a house divided falls. I mean, I think when you're divided -- I think debate is good, but I think when you're divided for the wrong reasons, I feel like you can -- you can get nothing done.

And I think of the board of directors as spokes in a wheel. If all the spokes aren't working in synchrony and they cannot get along and they're divided for whatever reasons those reasons may be, I feel like that wheel cannot roll properly down the road.

SENATOR ALEXANDER: So -- so when asked about why you wanted to serve, that is -- you've seen since or have seen a lack of unity on the board, then?

MR. POULOS: I feel as though I have, sir.

SENATOR ALEXANDER: Okay. Okay. And even under the biggest weakness, it looks like it's -- again, it's a consistent theme there, lack of unity, and you speak to the leadership at the top as divided. Can you speak to that division there and how it's impacting the school?

MR. POULOS: I think it's negatively impacting the school. I think it's giving a black eye to the school.

I think that part of the -- part of the reason they're divided and they've made decisions on hiring the president is why the SACS committee or whoever the committee was -- I think they corrected it -- came in and they're doing a report now and possibly looking at the accreditation issues.

I think that -- I think that a unified board is not going to skip procedure. I feel like a unified board will respect the other board members, and if I raise my hand and say I'm not going forward with this, this is not procedure, I feel like if you're unified, you're going to stand beside your

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fellow board member whether you agree with him or disagree with him, and we'll just debate it.

And I hope I answered what you're looking for.

SENATOR ALEXANDER: Well, you did. So are you saying that there never should be a division on the board?

MR. POULOS: No, sir. No, sir. There should be division. I'm saying like when it's a -- when it's a division for the wrong reasons.

SENATOR ALEXANDER: And I guess -- is that not in the eye of the beholder, as whether it's for the right -- how do you decide whether it's for the right reason or wrong reason?

MR. POULOS: Well, it could be -- I guess it could be in the eye of the beholder.

SENATOR ALEXANDER: Or something -- I mean, just...

Could I have one last question, Mr. Chairman?

CHAIRMAN SENATOR PEELER: Certainly.

SENATOR ALEXANDER: And as far the -- well, two things, actually. As far as students or faculty being represented or being voting members on the board, would you speak to me, let me hear your comments on that, please?

MR. POULOS: Yes, sir. I believe I even answered this the same way as I've heard other people say. I think they need to have an input. I think they could sit on the board.

I don't think they -- just my opinion -- I don't think they need to have a vote because, as I heard others saying, we go through a screening process as today, and the wisdom of the General Assembly decides whether they want us to be that fiduciary or not.

I think when you have a president having a vote and the student -- or the faculty having a vote, that could change -- you know, presidents come and go right quick. I mean, he might be a president for one year and make a vote and then be gone the next year. I don't think he would be held as accountable as a normal board of trustees' member. That's just my opinion.

Now, if the General Assembly feels as though they should receive a vote, I would be -- I would be in favor of it. I wouldn't be against it. I just think that the way it is right now, I don't agree with it. But if the wisdom of the General Assembly says so --

SENATOR ALEXANDER: So did I hear you say you would hate for them not to be -- have the opportunity that you're having of being before us today?

MR. POULOS: No, I'm not saying that. I'm just saying that our -- that we go through a background -- I mean, we've filled out paperwork.

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We've -- we're sitting here answering questions today. And, you know, I could -- if I was a student at USC, I could go run for the president and become the president, and then just all of a sudden, I've got a vote just like 18 or 19 other people have that are on the board -- or 16 basically.

SENATOR ALEXANDER: And is there anything in your work that would preclude you from being a regular attendee at regularly scheduled board meetings?

MR. POULOS: No, sir.

SENATOR ALEXANDER: Okay. Thank you.

Thank you, Mr. Chairman.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Poulos, for offering to serve. I have a couple of questions.

Have you served on any other boards?

MR. POULOS: I have not. I was approached to serve on a couple of other boards. The timing wasn't right, so I had to decline those.

REPRESENTATIVE CLARY: And have you had the opportunity to see or review the AGB report that has been referred to here today?

MR. POULOS: I think I've seen the condensed version of it.

REPRESENTATIVE CLARY: And you talk about tuition, that it's around \$27,000 a year. I guess that \$27,000 would be the total --

MR. POULOS: Yes, sir.

REPRESENTATIVE CLARY: -- cost of tuition, room --

MR. POULOS: Housing, meals, books, and supplies. That was the total.

REPRESENTATIVE CLARY: Okay. And my final question, ways to improve the school, tuition, scholarships, facilities, housing. Sports teams?

CHAIRMAN SENATOR PEELER: Easy. Easy.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: What's the desire of the committee?

SENATOR ALEXANDER: Favorable.

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: The motion is favorable report. Seconded. Any other discussion? Hearing none, raise your right hand.

REPRESENTATIVE CLARY: And Ms. Davis.

CHAIRMAN SENATOR PEELER: Plus Ms. Davis. Unanimous.

Thank you for your willingness to serve.

MR. POULOS: Thank you, Mr. Chairman.

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CHAIRMAN SENATOR PEELER: Next, we have the 15th Judicial Circuit. We have two candidates. Members, let's take a quick break. Please, three minutes.

(A recess transpired.)

CHAIRMAN SENATOR PEELER: We'll go ahead and get started. Back to order. 15th Judicial Circuit, under Tab Q, Egerton Burroughs from Conway.

How do you do, sir? I appreciate your patience for the day.

MR. BURROUGHS: Thank you.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. BURROUGHS: James Egerton Burroughs.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BURROUGHS: I do.

CHAIRMAN SENATOR PEELER: Would you like to give us a brief statement?

MR. BURROUGHS: Thank y'all for what you're doing and the length of time you've been at it today. I appreciate the opportunity of being here before you.

My name is Egerton Burroughs, as I said. I'm from Conway, South Carolina, originally. I live in Myrtle Beach now. I attended the University of South Carolina graduate school after I left the University of the South, Sewanee, Tennessee, for my undergraduate work.

When my father got ill in Conway, I left graduate school and went to work in the family business and basically have been there ever since. I started out at the Jerry Cox Company, a retail store, and went with Burroughs and Collins, Myrtle Beach Farms, and what's now Burroughs and Chapin Company.

I retired about seven years ago, and I'm in good health. My hearing is a little bad, and I wear hearing aids, but I am in good health, and I have the time to put into the job as a trustee.

I've been a trustee for 11 years, and the board -- the different committees that I've served on have been the housing committee -- building and grounds as we call it -- student liaison affairs, the medical committee. The one committee I've stayed on the whole time and was chair of for four years was the audit committee, and I'm still on that committee today.

But that's kind of where we are, where my experience with the school is.

CHAIRMAN SENATOR PEELER: Thank you, sir.

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Questions, comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Mr. Burroughs, thank you for enduring a long afternoon here and for your service.

I want to talk to you about -- you've been a member of this board for a period of time --

MR. BURROUGHS: Yes.

REPRESENTATIVE CLARY: -- 12 years now, and you've seen a lot of things happen. But let's just go back within the last two years and the events that transpired that precipitated SACS becoming involved and then apparently the U of SC board determining that AGB needs to come in and conduct a session with you in a retreat.

Insofar as all of that is concerned, give me your view of where governance is at the university and the direction in which it should go.

MR. BURROUGHS: The governance procedures that I'm used to in a corporate environment would pertain to how the committees run, the board room runs, how it's organized, along with the ethics and different parts.

We have one committee on our board now that has a charter, a work matrix, that does self-evaluations. It functions very well. Hopefully, with our new committee that we formed, governance committee, we'll put that in effect for the other committees. Hopefully, in that process, we might reduce the total number of committees down.

But I think our board is serious about addressing governance and changing our procedures to be a more effective board. Each committee needs a work matrix, a charter, duties, and a system of covering the business of the university in an organized way. I think we're getting closer to that. I think what's going on now will be very helpful to the university.

REPRESENTATIVE CLARY: I guess what's shocking to me is, you know, when I look at you and other members of that board of trustees and the background that you have, why did it take so long to recognize that there was problem with governance?

MR. BURROUGHS: The board room procedures -- and as I call them - - have been there for a long time. It's just a system that was there.

And we are trying to change that now. Like I said, I put in the -- when I was chair of the committee, we put in a charter, the work matrix, and we tried to get other committees to do it, and I think they're going to do it now.

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REPRESENTATIVE CLARY: You point out that USC's biggest weaknesses -- and there are five of them: proper financial reporting, lack of board and administrative governance procedures, too much emphasis on the main campus, need to cut operating costs, and a lack of skill set diversity on the board.

MR. BURROUGHS: Yes, sir.

REPRESENTATIVE CLARY: That's a lot of -- that's a lot of stuff there to have weaknesses in.

MR. BURROUGHS: Well, I truthfully answered the -- and I feel that way.

REPRESENTATIVE CLARY: How do you fix it?

MR. BURROUGHS: Well, one thing we are working on is the governance procedures, and some of us have tried, and I think that will happen now. We had that two-day retreat, an open retreat, and we've got ourselves kicked around and knocked up and for a good reason. We deserved it. Hopefully that will help us do better with the governance part.

Somebody -- I forget who it is. I think Leah mentioned earlier and maybe Rose also. There's something called the new budget model, and there's been a group of us working for years to get that into effect. We are very close to getting that installed. It has been a painful process because it's something different.

And it will give us, for the first time, very clear, easily understood financials on each unit. In the university system, we call a unit -- if it's in the Columbia campus, it will be the law school, the athletic department, and then the satellite campuses are units.

But these new financial statements, the procedure, the new budget model will give each trustee a lot better understanding, quickly, on a regular basis as to the costs, the costs of operating the different units, the administrative costs, and where the income comes from. And I think it's very positive, but it's taken a while to get it there.

REPRESENTATIVE CLARY: Thank you, sir.

REPRESENTATIVE KING: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator King.

REPRESENTATIVE KING: Thank you for the promotion, Senator. Thank you for the promotion.

CHAIRMAN SENATOR PEELER: What did I say?

REPRESENTATIVE KING: Senator.

SENATOR VERDIN: It's been a long day, Mr. President.

SENATOR ALEXANDER: He stands corrected.

CHAIRMAN SENATOR PEELER: Yeah, I -- I take that back.

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REPRESENTATIVE KING: I have a question for you.

MR. BURROUGHS: Yes, sir.

REPRESENTATIVE KING: You said lack of skill --

CHAIRMAN SENATOR PEELER: I should have said Representative Hill.

REPRESENTATIVE KING: Oh.

Lack of skill set diversity on the board.

MR. BURROUGHS: Yes, sir.

REPRESENTATIVE KING: So I think that you are saying to this committee and to the House of Representatives that we need to start looking at the skill set and diversity -- the skill set diversity as we're selecting board members.

Am I reading that correctly?

MR. BURROUGHS: You're right on target, sir.

Can I offer a suggestion?

REPRESENTATIVE KING: Yes, sir.

MR. BURROUGHS: Unless the procedures are changed on how the trustees are selected, even if there's a new district setup, I think the face of the trustees are going to be predominantly white old men because of the system that's out there.

I offer this suggestion. If we, as part of our governance system, have a governance committee, which every college and university hopefully has something like that, they would study the board makeup and the composition of the skill sets needed.

And when a vacancy was going to occur, they would recommend -- this committee, not the board of trustees -- to y'all, some committee or group in the House or Senate, however y'all did it, that -- let's say in the district I'm in, District 15, Burroughs is retiring, sick, dying, whatever, and we've looked at the skill sets; we need an engineer, an architect, a builder, whatever.

And y'all put out in that district that we need an engineer, whatever y'all decide on and pick, and people from the district could apply to y'all directly if they were an engineer or architect, whatever was needed. Then y'all would look at the folks and pick them out, and it would give people of all walks of life, all different professions, a chance to come up and see y'all and present yourself.

At the same time, it would fill that need on the board for a builder, architect, engineer, or whatever. It's just a suggestion that I have.

REPRESENTATIVE KING: Okay. My last question, and I appreciate your candid and honest -- honesty. How did you vote on the presidential

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MR. BURROUGHS: I voted for Caslen. I looked at all the candidates. I studied them. I interviewed them. And what I thought we needed at that point in time for the university was somebody that can help tighten up the expense, the operating cost of the university, and I felt in my heart of hearts that that person would probably do that better than most.

REPRESENTATIVE KING: Can I -- let me make one statement --

MR. BURROUGHS: Yes, sir.

REPRESENTATIVE KING: -- and make it very clear. My questioning today in reference to how a person or how a member of the board voted for the president is no reflection on saying that I disagree --

MR. BURROUGHS: I understand.

REPRESENTATIVE KING: -- with who is the president.

MR. BURROUGHS: Yes, sir.

REPRESENTATIVE KING: I think my issue is the process.

MR. BURROUGHS: The process --

REPRESENTATIVE KING: So I want to be -- and I just want to be very clear.

MR. BURROUGHS: Yes, sir. The process did not go well. It was bumpy. It was -- it was not pleasant to be there when it happened. I know it was not pleasant on the outside. It was handled poorly, and this whole board is to blame for it.

We had the votes to get him in to start with, and it was very close, and I think had it been pushed and brought to a conclusion, none of this would have happened. But it turned out to be a mess.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Burroughs, for your willingness to serve. And as I look here at your resume, finance, banker, and real estate.

MR. BURROUGHS: Yes, sir.

SENATOR SCOTT: Kind of similar to -- but you're just more expanded than mine. And a little background on me, by the time I was 21, I was in the real estate business.

MR. BURROUGHS: Yes, sir.

SENATOR SCOTT: At 26, I was a broker; 28, I owned a mortgage company, one of the few in the South, whole entire Southeast.

You of all understand the struggle of those industries. It was a long time, and now it's coming back to really hurt us in South Carolina, how long it took for us to work together in the real estate industry. So now those -- because of that, our rural communities don't have the infrastructure that we could have put together --

MR. BURROUGHS: That's for sure. That's correct.

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SENATOR SCOTT: -- during those bad times. And because there was not an open-door policy till '84, '86 with the filing of legislation forcing fair lending practices, it's come back to bite us.

And so I'm just concerned that some of what I'm watching at the university -- and you've got the experience, and you've seen it happen over and over again because of the industry. What are you doing to try to prevent it from hurting us as we continue to recruit some of the best students in this country so that at some point, because of our lack of diversity or inability to adapt, to make culture changes, and now simply because on the educational side, these young folk are going back home after we educate them, and so we've got a shortage of teachers, shortage of everything --

MR. BURROUGHS: Yes, sir.

SENATOR SCOTT: -- and you're the flagship university who has the experience and knowledge and have seen this happen over and over again, and I'm pretty sure there are some things that, if you had to do over again, you would do it differently.

MR. BURROUGHS: Absolutely.

SENATOR SCOTT: And so what is there that you are offering with all that experience to help make some of those major changes to bring about that diversity? Because, listen, it's not about one segment of the population.

MR. BURROUGHS: No.

SENATOR SCOTT: It's about the state as a whole. And for some reason, they're not getting it. They just -- and from some of what I heard today on either side, they're not getting it, to understand if we don't do better in this state, we're going to watch the same thing that we've watched happen. These folk don't have to come here.

MR. BURROUGHS: That's correct.

SENATOR SCOTT: And at some point, they'll start going someplace else simply because we don't get it. You cannot be the flagship and not be the one that's moving in the right direction so that people feel comfortable, even those out-of-state people that come in, they train, they go back out when they really see what's going on.

So what's your long-term plan, as someone who's coming out of the business industry who's seen this thing over and over again, to try to help fix this problem with diversity?

MR. BURROUGHS: Well, one of the things that I do on the board is I don't mind voting no. I voted against a new campus because of the cost of it, and I just don't think we need to be in that big, new dormitory

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campus if we don't operate things well. So I voted against it. So I don't mind saying what I think.

The university has got to work on cutting its cost of operations to try to get the tuition down, and that's just something we have to address and cut our costs just like y'all have to manage your homes, businesses, or whatever. We should be better stewards of how we spend the money. And I think these new financial statements will help us with that.

As far as the amount of students, minority students, and diversity of students in the Columbia campus, the systems that the flagship universities are rated under in U.S. News and World Report -- and a lot the colleges and universities pay a lot of attention to the ratings. A lot of the rating is based on your SAT scores of your incoming freshman class. That's why a lot of the universities have Bridge programs where they can come in and bring that student in the next semester that don't have those kind of grades.

So until we change that and say to ourselves do we want to lose some of the national rankings, to lower the SATs, it's going to be very hard to change things.

One way to change them could be trying to recruit the students that maybe wouldn't apply with the higher -- with some type of financial assistance. Now, that's something that came straight out of the mouth of President Caslen. And for what it's worth, as soon as he got here and started talking to the board, he's talked more about diversity with the students and the faculty and administration than anybody I've heard in a while, so I think he's on the right track.

SENATOR SCOTT: Thank you.

Thank you, Chairman.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you. Just briefly.

And good afternoon, sir. I just want -- a couple of things here. Under here, does the -- does the university need to attract more students? You say, we need to cap our enrollment in Columbia.

MR. BURROUGHS: Yes, sir.

SENATOR ALEXANDER: Is the current number -- or what number does that need to be?

MR. BURROUGHS: And I'm the odd person on the board. We keep building this campus up. I think we've got to attract more capital, human capital and money capital, in the satellite campuses. We've put a lot in here.

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The other part of it is, in higher ed, there's going to be less students around this country coming to college over the next 10, 15 years. That's just a fact. And we need to size Columbia and take care of it and prepare for less people and build up the other campuses, and the only way to do it that I see is to cap it. And, again, that's me speaking.

SENATOR ALEXANDER: So I've heard earlier testimony this afternoon, those that have said about restructuring -- you know, they point to the satellite campuses.

But yet I think I'm hearing you in your comments this afternoon that you're the lone person that's looking at those satellite campuses, that most of them are focusing on growth at the -- at the main campus here.

MR. BURROUGHS: I think most people's attention is caring for the whole system. But when you sit in there, Columbia is the flagship, and I'm just saying it's time to focus out on the satellites and to cap it because every time you bring in more students to Sumter or here, you've got to build more labs, more dormitories, more whatever to accommodate the increasing load.

And if you are used to the revenue coming in from the tuition and that thing cuts -- starts going down and you've got your bond indebtedness and everything geared up to a certain level, you get into trouble. It goes back to the cycles. I just think it's something we all need to look at very seriously not only with USC, but all schools will be facing the same thing.

SENATOR ALEXANDER: Thank you, sir. And let me respond -- get you to respond as far as my consistency on sitting on the board, either the student government president or a faculty representative.

MR. BURROUGHS: All right, sir. I think that the student president -- and this year, we have Luke Rankin, and he's done a great job -- and the faculty person, they are sitting in the board room.

But when we go into executive session, they don't know what's said. And so they're sitting on a board that they don't understand everything that's going on, and I think sometimes because they don't understand what happens in executive session, it causes trouble, say, sometimes between the board and faculty or students. There's a misunderstanding.

I think had they been in the executive sessions when we went through the president struggles and all that, it might have been different. There would have been better understanding of what really went on.

So to answer the question, I think they should be in the executive sessions, and if that's something that they're required to be full voting members, then that's something the legislature's got to approve. But

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even if they don't vote, I think they should be in there so they hear what goes on.

SENATOR ALEXANDER: Thank you, sir. And what is your -- what is your attendance record at regularly scheduled meetings?

MR. BURROUGHS: My attendance record is pretty good, and I think not the best --

SENATOR ALEXANDER: Is that 80 -- is that 80 percent, 70 percent?

MR. BURROUGHS: Oh, I'd say it's 90-something.

SENATOR ALEXANDER: 90-something percent.

MR. BURROUGHS: Yes, sir.

SENATOR ALEXANDER: Thank you, sir. In person?

MR. BURROUGHS: Yes, sir.

SENATOR ALEXANDER: Okay. Thank you, sir.

MR. BURROUGHS: And just to -- if we ever get our governance and nominating committee in, they should keep records and send to y'all on our attendance. That should go in to y'all directly from the university.

SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: What's the desire of the committee?

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: Motion favorable.

REPRESENTATIVE WHITMIRE: Second.

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

SENATOR SCOTT: Thank you, Mr. Burroughs.

REPRESENTATIVE WHITMIRE: As the proxy for Representative King, favorable.

MR. BURROUGHS: I want to -- I want to thank y'all so much.

CHAIRMAN SENATOR PEELER: Thank you.

Morgan Martin has notified us that has withdrawn his name from consideration. Now our last candidate for the day, Jasper Ramsey from Myrtle Beach.

MR. RAMSEY: Thank you, Senator Peeler and members of the committee.

CHAIRMAN SENATOR PEELER: Thank you. For the record, give us your full name.

MR. RAMSEY: Jasper N. Ramsey, Jr.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. RAMSEY: I do. Thank you.

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CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. RAMSEY: Yes, I would like to just speak briefly. I know it's very, very late. By the way, thank you all for bearing with me here.

I -- the University of South Carolina means everything to me and my family. I have observed the tremendous growth and improvement in the past ten years at the university under President Pastides' leadership within the quality of education provided to the students and in its role as a leading economic engine to the -- to the people of this state.

Events of the last year have shown me that I can no longer sit on the sidelines and watch this progress increasingly at risk. I want to state there is no other position on any state board that would be of interest to me whatsoever. My sole purpose is to give back to my alma mater so she may offer the same benefits to future students that she's provided to me and to my daughter, who just graduated in May magna cum laude from the university.

My background is a little bit different from most of the other people with whom you've spoken. I'm neither a banker nor a lawyer nor a trust fund baby. I'm a manager at a Chick-fil-a. I make \$35,000 a year. I have a background of owning and operating my own businesses. I operated hotels in Myrtle Beach, my own restaurant. I've spent time in professional baseball and in various and sundry sales positions.

So I come with a very different perspective than what most of the members and candidates of the board have. And in no way belittling what they bring to the table, but I do bring somewhat of a fresh perspective.

I joked that, to a few friends to whom I've mentioned my candidacy, that the legislature -- the General Assembly has a reputation of choosing old, white, wealthy males. I'm totally different. I'm an old, white, poor male. So a little bit different there. But I say that being facetious, but to make a point. I come from a different point of view.

The university -- I became a Gamecock at the age of seven years old listening to a man named Bob Fulton broadcast basketball games on the radio for teams coached by a man named Frank McGuire. And I fell in love with the university there. I went to Coach McGuire's camps in the early '70s.

Senator Scott and I had a brief conversation talking about SAT scores. Largely because of SAT scores, I managed somehow, despite mediocre grades in high school, to be offered -- to be named a Furman Scholar and a Wofford Scholar. I turned both of those down because there was no other place I could imagine going but to USC.

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There, I met wonderful professors, made great friends. It's the centerpiece of my life. I was married at Rutledge Chapel on the Horseshoe. I raised my youngest daughter to be a Gamecock, and, again, it prepared her wonderfully. She was editor of the -- editor in chief of The Daily Gamecock and is now off to a great start professionally.

Again, I know firsthand what the University of South Carolina can do for people in this state, and I really -- I want to make a point that I am in no way, shape, or form a protest candidate. I have a positive agenda that I wish to push forward to help breed a collegial atmosphere on the board of trustees. However, there's a point where you simply have to -- you simply have to step forward and do something.

I have nothing in the world against President Caslen. It seems he's a tremendously accomplished man. I've been pleased with what I've seen of what he's done as our president so far, and on the board I will certainly -- as long as he continues that, no one will be a bigger supporter than I.

Having said that, the process was simply horrible, as some of you have been kind enough to comment. The board of trustees set out a set of rules, it's my understanding, to the search committee for a new president, including, among other things, that that person hold a terminal degree.

At that point, again, if media reports are correct, although President Caslen was not on the final four list prepared -- I'm assuming simply because he lacked a terminal degree. He certainly seems very qualified in other areas. They placed him on the -- they insisted that he be placed on the -- on the final list.

After things became a mess, the uni -- the searchers, I think, made a very wise decision to bring in the chancellor from USC Spartanburg and basically start over. I think that was a great, great process. And then for some reason, things changed dramatically around the 1st of July, and we've all followed what was involved in that.

And now we're faced with a situation where the Southern Association of Colleges and Schools -- I guess they haven't placed us on -- probation wouldn't be the term, but we're in a very serious situation, and it shook the core of the university to its very, very foundation.

So that's simply just an update on where I stand and why I'm here today. I look forward to answering your questions. I hope you'll give me -- I know it's really late -- at least a brief opportunity to share some of my ideas for the university moving forward.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Ramsey, for your willingness to serve.

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MR. RAMSEY: A pleasure.

SENATOR SCOTT: And I'm sorry the time didn't allow for me to listen to where you wanted to go with the SAT, but I said to you when we got in here, I did want to hear --

MR. RAMSEY: Yes, sir.

SENATOR SCOTT: -- what your thought process with those SAT scores --

MR. RAMSEY: Yes, sir.

SENATOR SCOTT: -- and all that so that we look at the shift. The students are there.

MR. RAMSEY: Right.

SENATOR SCOTT: They're just in different locations. So some of your ideas about the SAT scores, I'm open to hear it.

MR. RAMSEY: Well, Senator Scott, let me preface by saying, as a proud Gamecock, I'm awfully proud that we were the first flagship university in the Southeast to integrate way back in 1877. Unfortunately, through the efforts of some folks, that didn't last.

SENATOR SCOTT: Right.

MR. RAMSEY: I'm proud that when I was in school at Carolina from '77 to '81, we had by far the highest percentage of African-American students of any flagship university in the ACC/SEC area. And I'm proud that we're in the top three percent nationally in graduating African-American students.

That said -- and I'm proud that the number of African-American students at Carolina has increased. However, that said, given the increase in the university -- in the enrollment in other areas, the percentage has lowered dramatically. It's a concern to me. I know it was a concern to Dr. Pastides.

One of the -- and there are a number of areas that -- obviously, financial issues are one thing. I don't mean to generalize, but many minority students come from families like mine, families of limited means. That's certainly an issue there.

The idea of students starting out at the branch campuses or at the technical colleges and moving to the university are a great way to expand enrollment of limited financial means, be they African-American or otherwise. Absolutely all those things are important.

But the primary things I want to discuss with you -- number one is we all respond when we can see people like ourselves, and the ability for students to walk into the classroom, to attend board meetings, et cetera, and see people -- see a diverse group of people.

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But as far as the SAT scores go, as I mentioned, I managed to get a Furman scholarship and a Wofford scholarship despite B grades because I scored great on the SAT. They're not perfect, and we all know that one of the big issues with them is they do tend to -- for whatever reasons, African Americans and minorities tend to score lower on SATs of similar academic achievement in high school.

One of the things I've heard here is the idea that, well, we know this is a problem, we need to do something about it, et cetera, et cetera, et cetera. I can't change this. I'm one person. It should be very much a part of our ongoing dialogue with our new provost.

But just let me mention some facts, okay, and this is a quick and dirty search of the Internet. There are a number of very prominent universities in this country -- New York University, Wake Forest, UT Austin, Arizona State, Cornell, the Ivy League, American University, George Washington, and many, many other fine schools, still a minority of schools -- that have eliminated the SAT/ACT altogether in their -- in their making their choices for students.

I mean, these are tremendous, quality universities ranging from Ivy League schools to small, to large colleges, to major flagship universities, and we need to have a dialogue about that. That's the thing I wanted to get with you in detail. The idea that this is some nebulous thing that might or might not work -- this is a trend in higher education, and it's time for the USC board to explore it in a serious manner. And, again, we wouldn't exactly be trailblazers.

Does that make sense?

SENATOR SCOTT: That makes sense.

MR. RAMSEY: Thank you, sir.

SENATOR SCOTT: So what would you do to -- outside of the SAT, the elimination of SATs, or even what you mentioned earlier, that these kids are going to the outlying campus -- but they're not coming back to the main campus.

MR. RAMSEY: Yes, sir.

SENATOR SCOTT: Very, very few, because once you establish yourself on a campus after your freshman year, you get involved in sororities, fraternities, and moving up to hold office, and you don't move.

MR. RAMSEY: Right.

SENATOR SCOTT: And so that's a great thing to tell a student, you're going to move to these other campuses, but you're not. If you're in Spartanburg, you're not going to come back to Columbia. I mean, it's just too much of a change --

MR. RAMSEY: Sure.

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SENATOR SCOTT: -- when you've already adapted.

So what do you -- what's your recommendation? These schools have the numbers.

MR. RAMSEY: Right.

SENATOR SCOTT: But they've got the numbers spread out, and for some reason, one particular campus is the one we're protecting.

MR. RAMSEY: Well, again, I think in the interest of being completely open and not in any way attempting to tell you what I think you want to hear --

SENATOR SCOTT: Oh, no. Tell the truth.

MR. RAMSEY: -- part of the percentage change is based on -- it's my understanding that Dr. Pastides and the administration made a decision back in '07/'08 when the economic collapse occurred to keep the university up and going, to reach out to out-of-state students with good academic profiles who'd come in and pay a full load and help cover the tuition for in-state students, which I once was and my daughter was. So that skewed it over somewhat.

And the things that you're hearing about the change in the way the federal government decides what one's racial ethnicity is, I'm sure that's a fact. These are honest people. But the way it's always worked and the way it's going to continue to work is, when a student who happens to be a person of color visits the university, if that person sees other people who look like them, if that person sees other people who look like them dealing in pleasant social situations with people of other ethnicities -- Caucasian, Asian-American, it doesn't matter at all -- that factors in the decision.

When they walk in to visit a classroom and they see a professor who looks like them with a background perhaps somewhat like them, that's going to make a difference. And if for some reason they should ever wander over to the Pastides Alumni Center and walk into a board meeting -- that's highly unlikely, but nevertheless, those things make a difference.

I am reluctant to be critical of the administration. But when we're -- I know we send people out into the high schools in this state to recruit students. I would hope that we are sending people from a diverse background. There are certainly numerous people of -- of various ethnicities who love Carolina who are capable of going in and doing a great job selling the university.

So I don't want to say that we're not doing that already, but if we aren't, we should. Does that make sense?

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SENATOR SCOTT: Yeah, it does. You're doing that. Because the issue's at the intake.

MR. RAMSEY: Right.

SENATOR SCOTT: It's not in recruiting. You're doing very well in recruiting. Like I said, I think you're probably recruiting three to one. But at the intake is where you're losing the students who can be progressive and can help you with those numbers.

MR. RAMSEY: Well, and I still think, too, you know, the tuition and the cost of -- the cost of attending college, which has of course expanded -- grown dramatically in the last 10 or 15 years in South Carolina, it affects all of us, but none more so than those of us of modest means, and it is simply a fact that our African-American population is somewhat of more modest means generally.

And going to a branch campus certainly is understandable. If you can stay at home or whatever, eat mama's cooking, it does make a difference.

SENATOR SCOTT: Well, if you look at --

MR. RAMSEY: But that's not --

SENATOR SCOTT: But if you look at tuition --

MR. RAMSEY: That's the status quo.

SENATOR SCOTT: -- it's pretty well what most of the schools and somewhat in line -- most of these kids already know, when they get out, they've got bunch of debt, student loan debt.

MR. RAMSEY: I think it's -- the full cost of attendance is a little bit different, but I'm saying --

SENATOR SCOTT: Right.

MR. RAMSEY: -- that simply is a fact. We have that. Again, when I was in school at Carolina, '77 to '81 -- I don't want to misspeak, but the African-American -- the percentage of African-American students on campus was 13, 14, 15 percent, by far the highest.

SENATOR SCOTT: Right.

MR. RAMSEY: Again, I really think it goes back to people being comfortable. I talked -- in the little questionnaire that y'all gave us, I talked about the ability of people of various ethnicities at USC to be proud to be there and have their individual characteristics and needs addressed --

SENATOR SCOTT: Right.

MR. RAMSEY: -- while at the same time feeling to be part of the total Carolina community. And part of that is, as I say, having mentors, people that they can see, teachers, leaders, et cetera, who look like them and come from a background like them.

SENATOR SCOTT: Thank you so much.

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MR. RAMSEY: My pleasure.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. I'll be brief.

And thank you for being here and for your -- for being here for the majority of the day, the afternoon at least.

You say here that -- under this questionnaire you're referring to that the biggest weakness is the lack of recognition of economic value?

MR. RAMSEY: Well, yes, sir. I wasn't referring specifically to the board. I was talking about the university in general.

When I attended Carolina from '77 to '81, the legislature -- or the taxpayers of South Carolina, through the legislature and Governor Riley, provided about 65 percent of the university's operating income. It's my understanding in around '07 when the economic collapse occurred and everything changed, we were down to about 35 percent. And today, it's my understanding it's about 17 percent for the university altogether --

SENATOR ALEXANDER: Is that a --

MR. RAMSEY: -- about 13 percent for the campus at USC.

That's what I was referring to. However, my solution isn't to come and browbeat you folks for more and more money, although we'll certainly take it. I was talking about we've got to find innovative ways to support the university and grow the university and keep tuition modest.

My daughter who just graduated from Carolina, she was a great high school student, Senator Alexander. She had multiple scholarships, and she maintained a 3.95 GPA at said USC and worked full-time, at least 30 hours a week, seven of her eight semesters. She still left with \$25,000 worth of student debt. And her mother and I -- we're divorced, but we still support her. I want to make that clear. We also have \$25,000 worth of debt, and many people have far, far, far more. We've got to get a handle on that.

And things like going after every research scholar that we can at USC, working to -- I guess we've become a member of the Association of American Universities, which opens up all kind of research opportunities. We've got to be looking under every stone in order to find a way to -- to better finance not just South Carolina, but Clemson, MUSC, and all of the other schools too.

SENATOR ALEXANDER: Okay.

MR. RAMSEY: So that's what I was referring to.

SENATOR ALEXANDER: Thank you for that response.

MR. RAMSEY: My pleasure.

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SENATOR ALEXANDER: And then here it says that as far as the students and faculty being represented on the board, you're response to that is...

MR. RAMSEY: Yes, sir. I am 100 percent in favor of a student body representative and a faculty representative being members of the board and being full voting members of the board.

SENATOR ALEXANDER: And have you --

MR. RAMSEY: And if I could have a few -- sorry -- to explain that, if I may. I know it's late.

SENATOR ALEXANDER: Briefly.

MR. RAMSEY: While I feel that way.

SENATOR ALEXANDER: Briefly, yes, sir.

MR. RAMSEY: Thank you.

When I went to school from '77 to '81, I -- I worked since I was 12 years old, and I saved up enough money to put gas in my car and buy beer. My mom wrote a check for \$500 each semester for me and paid my way through the university.

It's not like that anymore. I heard somebody say earlier today -- I don't mean to beat them up, but they made a comment in being negative towards students, a student representative, that when my daughter -- when his daughter was 21, she couldn't balance a checkbook. Okay.

Kids today are paying their way through the university. That's the world we live in. The day of mama and daddy writing the check or the taxpayers providing 65 percent of the university's budget as they did --

SENATOR ALEXANDER: Well, I would clarify that with that -- I don't want to interrupt you -- that's not including scholarship money that's going through the South Carolina Lottery.

MR. RAMSEY: Oh, absolutely, sir.

SENATOR ALEXANDER: So let's clarify that.

MR. RAMSEY: And it's a tremendous -- and it's very, very important.

And by the way, to go back to Senator Scott real quick, if there's any parts of the criteria for scholarships for -- through the lottery, the lottery money, that's causing a negative impact on African-American students earning them who are good students, that's something I would -- I would ask y'all to address.

But to go back -- but to go back, it's simply a fact that that's the world we live in today. Students are paying their way through school, and they're paying the lion's share of -- of the university's budget. And, you know, it's taxation without representation, so to speak, and we fought -- we fought a war about that.

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It's also not a unique -- again, it's not a unique concept. I've dug up an article that my daughter wrote last year when she was editor in chief of The Daily Gamecock, and she did some research. In the Southeastern Conference alone -- and these are all schools that are under the SACS governance -- LSU, the University of Florida, the University of Kentucky, and the University of Tennessee have voting student members on their board. East Carolina in the state of North Carolina have voting student members on their board.

Thirty-one of fifty states' flagship universities, according to this article -- and my daughter put a lot of research into it. I trust she's correct. Have voting student members. So it's not a radical concept.

And, again, the reason I am in favor of it is because these students who are in school are the stakeholders. They're -- this isn't just a question of coming on mama and daddy's dime. I mean, it is their -- they're leaving school with enormous -- they are engaged in a way that nobody else is. And, again, it's not a radical concept.

SENATOR ALEXANDER: I got you. Thank you.

MR. RAMSEY: Those other schools manage to somehow get around any conflicts of interest or whatever, and as far as faculty goes, just real quick if I may -- you folks are all very progressive people. You know that the leading corporations today, public corporations, the cutting-edge corporations have put employees on their board in order to get their input. It's the direction that we're going, and there's a place for faculty members.

SENATOR ALEXANDER: Thank you. Thank you for your --

MR. RAMSEY: Thank for the opportunity to express my thoughts.

SENATOR ALEXANDER: Thank you. Thank you so much.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Mr. Ramsey, I see you're a -- you manage a Chick-fil-a?

MR. RAMSEY: I'm a manager at Chick-fil-a. I'm not the manager. Yes, sir.

CHAIRMAN SENATOR PEELER: Okay. Some of the hardest working people in Gaffney are the people who work in Chick-fil-a.

MR. RAMSEY: It's our pleasure.

CHAIRMAN SENATOR PEELER: Are you on track to become an owner or an operator?

MR. RAMSEY: I don't think so, Senator Peeler. I've spent most of my life working for myself. As I said, I owned a hotel in Myrtle Beach and owned a restaurant myself for ten years. I would never -- I'm sure that Chick-fil-a, being a fine company, would certainly even give someone

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of my advanced age an opportunity, but frankly my goal is to get back into owning my own business.

But Chick-fil-a has been a wonderful, wonderful experience for me, and I don't want to cut off if there's a question coming, but it's helped me understand something that'll help me to be a better board member. May I share that?

CHAIRMAN SENATOR PEELER: Yeah, go ahead.

MR. RAMSEY: Thank you.

One of the tenets of leadership at Chick-fil-a is what we call servant leadership, the idea that leaders are there to serve our employees and serve our customers. We aren't there to be catered to. And I'm sure there are many members of the USC board who embrace that. But we need a board-wide embracing of that -- of that tenet. It's vital that we have it.

We need what's called an inverted pyramid. At the very top of that pyramid -- versus the traditional pyramid that works like this with the board at the top, then the administration, then the faculty, then the students, at the top are the students. They're at the top of this pyramid. This is how we do it at Chick-fil-a. After that come alumni, faculty, and then after that comes staff, then the administration, and finally at the bottom is the board of trustees.

It doesn't mean that we're not, as was mentioned earlier, governing the university from a 30,000-foot-high point of view. But we -- we need -- we all need to embrace that and live that every single day.

CHAIRMAN SENATOR PEELER: So let me ask you --

MR. RAMSEY: If we do that, then what we've seen over the last year or so at South Carolina, it wouldn't have occurred.

CHAIRMAN SENATOR PEELER: Unless they meet on Sundays --

MR. RAMSEY: That's true.

CHAIRMAN SENATOR PEELER: -- are you going to be able to get off work to go to meetings?

MR. RAMSEY: That's a great question, and I did speak with my operator about that, by the way, to let her know what I was doing. And even though she, like you, is a Clemson alum, she was fully supportive of it. Yes, absolutely.

That's a -- and I've put a great deal -- as I said, I wrestled really hard with taking this step to throw my hat into the ring. And I've had a conversation with one of your fellow senators -- and didn't ask him for an endorsement. Ms. Martha and Ms. Julie told me you don't do that till you -- till you -- you don't assume anything until you're through this meeting.

CHAIRMAN SENATOR PEELER: They told you right.

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MR. RAMSEY: But I asked a little friend, Luke Rankin, I told him, I said, Luke, I think I'm having a stroke. I'm considering running for the USC board. And I said, Will you please talk me out of it and tell me I'm crazy?

And he looked at me, and he said, Jasper -- he goes, let me tell you this. Which would make you feel worse, would you feel worse -- and the reason I said it was because I've got to work 50 hours a week. I've got a lot going on. I'm a person of modest means. I think I've lost my mind.

He said, Jasper, which would make you feel worse, if you ran for the board and you lost or if you did not run for the board and things stayed the same?

And I said, Luke, I've known you my whole life. How dare you do that to me.

But I took that advice to heart, and that's why I showed up today.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE WHITMIRE: Favorable.

SENATOR SCOTT: Favorable report.

CHAIRMAN SENATOR PEELER: The motion is a favorable report. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, sir.

MR. RAMSEY: Thank you all very, very much.

CHAIRMAN SENATOR PEELER: Thank you so much for your willingness to serve.

MR. RAMSEY: It's a pleasure.

CHAIRMAN SENATOR PEELER: You'd make a good lawyer.

MR. RAMSEY: Thank you, sir.

CHAIRMAN SENATOR PEELER: They get paid for their words.

MR. RAMSEY: I'm sorry. I -- there's a lot of passion, and thank you for bearing with me, especially at this late hour.

CHAIRMAN SENATOR PEELER: That's all right.

CHAIRMAN SENATOR PEELER: I'd like to call the meeting to order. This is a meeting of the College and University Trustees Screening Commission. Welcome, everyone. May God continue to bless us all.

You have an agenda before you. First, University of South Carolina, 10th Judicial Circuit. First up, Tab A, Chuck Allen. Good morning, sir.

MR. ALLEN: Good morning.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. ALLEN: My full name is Donald Leverette Allen.

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CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. ALLEN: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. ALLEN: Yes, sir. Thank you, Mr. Chairman.

Good morning to you and other members of the committee or commission. I had previously, under the statute, submitted a written statement of proposed testimony that I submitted last week. Just reading the statute literally, it said that it had to be filed 48 hours prior to the hearing, so I, I did comply with that.

I'd like to read it this morning, Mr. Chairman, if that's okay.

CHAIRMAN SENATOR PEELER: Okay.

MR. ALLEN: It has been an honor and a privilege to serve on the board of trustees of the University of South Carolina, representing Anderson and Oconee County since 2008. Including my representation as a student athlete back in the day, I have now represented this university in some form or fashion for 16 years.

During this time, I have worked diligently and with steadfast commitment to the betterment of this university. I have faithfully attended board meetings, committee meetings, academic functions, administrative events, and commencement ceremonies in all parts of this state. As chairman of the Student and System Affairs Committee, I have also traveled with the president to regional campuses to demonstrate the importance of the mission of each institution and each campus. I have also – during my term of service, I have also served on the Athletics Committee during that time.

During my 12 years of service on the board, we have recently recorded the most secure financial position in recent history of the university. In fiscal year 2019, we recorded a net financial position, which I understand is tantamount to net worth, of one point – billion dollars, with assets of \$2.7 billion. The current bond rating is AA for the university and AA for our Athletic Department bonds. And we hope to reach a AAA rating at the next rating call.

Academically, we serve a diverse student body of 35,000 students at the Columbia campus and an additional 17,000 – maybe 17,500 – at the regional campuses. We now have – not by percentage, but by actual number – the most minority students on our campuses that we've had ever.

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Currently, our in-state students compromise about 60 percent of the enrollment in Columbia and about 65 percent of the total enrollment in the system, including all eight campuses. However, in the fall – I would like to point out, in the fall of 2019, I am informed that 97 percent of all in-state applicants to Columbia were accepted as either a traditional freshman or a residential bridge program student.

In closing, I would like to emphasize that I have served with an earnest and independent commitment to the best interest of the university without regard to any personal agenda or inappropriate external influences. Of course, I would hope to continue to serve my alma mater in this same spirit.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

Any questions or comments?

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you.

Thank you, Chuck, for your willingness to serve. I want to go back to some of the statistics that you gave just a minute ago, and I see that in all the campuses, you're able to get it right in terms of influx of African-American students, with the exception of the Columbia campus. And I knew you were in the room yesterday; a lot of conversation about SAT scores and which students y'all will allow in the Columbia campus and those who you send to the other campuses.

I've heard all kinds of answers to that problem, with the exception of a broken intake system, and that's why you're 5.3 in terms of African-American participation on your campus; at least that's what Google show for y'all.

MR. ALLEN: I want to make sure –

SENATOR SCOTT: In the tracking system in our Columbia campus.

Overall –

MR. ALLEN: Columbia campus.

SENATOR SCOTT: Overall.

MR. ALLEN: Yeah.

SENATOR SCOTT: I'm not concerned about the other campus. Those are just feeder systems. The answer's been that, Well, they'll go to this campus and then transfer, which we know that that doesn't happen. Once you become familiar with a campus, you don't really – that's where you end up staying for your four years.

So, let's talk a little bit about the Columbia campus and what you see that you think that y'all can do to improve percentage of African

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American – yes, you’ve expanded. You’ve got about 34,731 students overall. But your Columbia campus, for some reason – something is going on with that.

I even tracked, you know, the lottery, SAT scores, and the GPAs, and so I know at some of the other campuses, I’m pretty sure that you’ve got students out there as well that would qualify to come on this campus but have chosen not to. So what do you think is – what do you think is wrong?

MR. ALLEN: Well – and you heard some of this yesterday. I do think, under the new reporting requirements that have been required by the federal government, as far as the number of races a student reports, I do think that skews it a little bit. I know that’s not – that’s not the whole picture, but I do think that skews the numbers a little bit.

As far as remedy, to do better, and we need to do better. We need to do better. And the figure I see – the most recent figure I saw for the Columbia campus was about 9 percent.

SENATOR SCOTT: That’s not 9 percent. That’s minority students.

MR. ALLEN: Well –

SENATOR SCOTT: African-American students.

MR. ALLEN: Well, the one – I saw African American, but I, I won’t quibble over that.

SENATOR SCOTT: Yeah.

MR. ALLEN: But we need to do better, and I think we – I think the emphasis and the effort got better under Harris Pastides. He created the – you know, our former president. He created the position of chief diversity officer. That was four or five years ago. That was John Dozier, who, unfortunately, recently left, or is leaving for MIT.

The new president, I think, is doing even better because – with that position because under Harris, or President Pastides, the diversity officer reported to the provost and kind of was down in the chain of command a little bit. Under President Caslen, he has already altered the organizational structure of the administration at the top level of the university and elevated this position. And we’ve just hired a new candidate for that job. He’s coming in on June the 1st, I believe it is.

But that has been elevated to a vice presidential position. So what that means, in terms of emphasis and commitment, is that he will – when he arrives, he will report directly to the president. And the president is very interested, as you heard yesterday, that President Caslen had a very –

SENATOR SCOTT: What is the – Chuck, what is the board interest? I’m hearing about administration. What is the board interest in getting these things moved?

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MR. ALLEN: Well –

SENATOR SCOTT: Because if your numbers were not where they needed to be the last five or six years we've been talking about that, and it appears that it's been the administration who has made it the number-one priority, and not the board.

MR. ALLEN: Well –

SENATOR SCOTT: So where's the board interest in making this a number-one priority?

MR. ALLEN: Well, of course, we aren't – you know, we aren't day-to-day operators, and –

SENATOR SCOTT: But you get percentages at your meeting.

MR. ALLEN: I understand.

SENATOR SCOTT: And it becomes a question – and it becomes what direction the board wants to go in if it's a board priority. And let me say this. You cannot continue to recruit some of the number-one companies in the country and not be able to demonstrate where the state is in terms of minority participation. The behavior of the college and university would also help us to curve how well we get along also back in these communities.

And so it's just more than the students coming to our campus and administrators and staff. It's the culture of the state. So unless it's a board priority, to push it back down on the administration – administrations come and go, but board is policy. What's the board policy?

MR. ALLEN: Well, I agree. I agree. It is a matter of policy, and I said earlier, it's a matter of commitment, and it's kind of a matter of culture. You know, there's 20 people on this board of trustees as it's currently constituted, and I can only speak for one.

SENATOR SCOTT: Do you think 20 is too many?

MR. ALLEN: No, no, no. No, not – that issue, I have indicated previously to the Chair. I think I wrote you back in the fall when the bill came up, that's a legislative prerogative. What the Legislature, the General Assembly, the governor – what it chooses to do as far as how we're comprised, what districts we come from, the numbers, and so on, that is a legislative priority. That is – that is not – I am not qualified to make that determination. You gentlemen and ladies are qualified to make that determination.

But I can only speak for one, as I was about to say. And my personal commitment, just by way of example, we appoint – as board members, we appoint members to the Board of Visitors. And this is just an example to address your question. I've had three appointments to the Board of Visitors. I've appointed one female out of those three, and the first

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African-American male to ever be appointed in the Anderson-Oconee district. That was Moe Brown. You've probably heard of him. He was a student athlete here, and he's from Anderson.

And so that was my personal commitment. I've got a somewhat – a little bit of a record of public service going back to a term in the General Assembly a long time ago, and I think that record would demonstrate a personal commitment to –

SENATOR SCOTT: All I'm saying is that moving forward, and you've got a new president, and it appears from all the comments that I've gotten from other candidates who are running, actually, for this board, he has a commitment. I just want to make sure that same commitment that the president, the board has the same commitment in support of the president and the direction the president wants to go to get it right.

Because I think the numbers are coming in, as demonstrated in the other campuses. There's just one campus – for some reason, you've got a policy, and that policy's prohibiting you to have good numbers for your campus. Thank you.

Thank you.

MR. ALLEN: You're welcome. I would – let me – can I just say one more quick thing?

SENATOR SCOTT: Yes, please.

MR. ALLEN: I do think – and the president has shared this with us. I do think that cost – I think we have accepted a number of African-American applicants at the Columbia campus, and they don't end up coming here. And he tells us, in his brief experience so far, that cost is an issue in some of those cases.

And I – and we'll, you know – we're going to work to relieve the pressure on tuition. Of course, we would solicit assistance from the General Assembly in that regard, but –

SENATOR SCOTT: Didn't we provide some abatement for out-of-state students to come here?

MR. ALLEN: Well, that's kind of an administrative matter as well.

SENATOR SCOTT: So is the cost to get these kids in here.

MR. ALLEN: Got you.

SENATOR SCOTT: Thank you so much.

MR. ALLEN: Yes, sir.

CHAIRMAN SENATOR PEELER: Representative King?

REPRESENTATIVE KING: Thank you, Mr. King.

I have a few questions for you. You know – let me see. Let me start off by asking you, how did you vote on the president, the present president?

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MR. ALLEN: Could I – I voted no. I voted in the – with the minority. I voted no in the ultimate vote. But I would – could I comment on that?

REPRESENTATIVE KING: I think with my next question, you may be able to.

MR. ALLEN: Got it.

REPRESENTATIVE KING: Tell me, what did you think about the process? And I want you to be very honest and candid with us. What do you think about the process?

MR. ALLEN: Well, I'm under oath.

REPRESENTATIVE KING: Yes, sir.

MR. ALLEN: When, we finally voted in July, you know, the – originally, it was – the intention was to vote in April. And about – I think it was eight to ten weeks passed between that designated date in April and when we did vote in July. But that was the reason, and, in fact, I issued a press release before we voted in July that I was very pleased with General Caslen and was impressed with him in April and was prepared to vote for him that day.

I was not on the Search Committee. I didn't chair the Search Committee. I was not a member of the Search Committee. So all I could do was cast a vote. And, again, I'm one of 20 people. And I appeared for that meeting in April prepared to cast the vote for General Caslen. That did not happen, as we all – as you all well know. And by the time we voted in July – and, like I say, I issued a press release that would corroborate any and all of this. But we – the process had basically degenerated into a really difficult situation.

And my abiding commitment to the university anytime I cast a vote – and I said this on the record the day we did vote. I said that it was the most difficult vote I had cast in about 11 years on the board, but my allegiance and my fidelity was to the best interest of this university. And at that time, for whatever reason – there were a number of reasons. I mean, we, we were – it was donors, alumni, and we have a lot of constituencies that we've got to balance, and sometimes, there's cross-currents, and that almost turned into a vortex.

But at that point in time, using the standard of the best interest of the university, the process had degenerated to the point – was the reason I voted no and the only reason I voted no that day. If that answers your question.

REPRESENTATIVE KING: And my last question to you, Senator Scott spoke with you a little bit about minority participation, minorities being at the school.

MR. ALLEN: Yes, sir.

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REPRESENTATIVE KING: And since I've been on this committee, we hear the same thing over and over and over again in reference to, Oh, well, we understand.

But I guess my question to you is, what are you doing about it? This is not something new that you all have heard, that there is a lack of African-American presence in your enrollment there. You all hear this, not only through screening, but from us all the time. I'm not asking what the president has done, not asking what other board members have done. I'm asking what you will do and what you have done.

MR. ALLEN: Well, once again, I've, I've advocated, you know, that point of view – really, I'm 60 years old – my entire lifetime, and I do have a record out there, a public record, you know, that demonstrates, like I – and I said earlier, confirms, you know, that commitment.

As far as the future, I would – I would pledge and commit to work with President Caslen in whatever capacity I could assist him in formulating more policy, taking more action, and doing what I can to assist him because I do believe – and he's got a record, you know. When he was the superintendent at West Point, I mean, he made a substantial difference in some of the measurables of that issue. And I pledge to work with him, and I've told him that as much. I told him that I – and even in the system affairs process, I've told him that, you know – and we deal with – and there – the numbers are better on the regional campuses. But I'm committed to assist him.

REPRESENTATIVE KING: Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

Thank you for being here, Mr. Allen, and your service to the U of SC board. You were here yesterday afternoon and heard questions that we asked, responses that your fellow board members made, and one thing that struck me in thinking about it overnight was the fact that one of your board members described U of SC board as dysfunctional, that didn't know the difference between what was appropriate and inappropriate. And SACS came in, is coming back in.

You had a retreat where AGB came in and conducted a training session for your board. Tell me, what do you see has resulted already from the AGB report – and I preface all this, assuming that you've read that report – of what you view has happened already and what you envision happening in the future with your board?

MR. ALLEN: I've read – I read, of course, the SACS report, I mean, out of a matter of responsibility and duty.

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REPRESENTATIVE CLARY: Well, but from what I understand, SACS was basically a letter.

MR. ALLEN: It was brief.

REPRESENTATIVE CLARY: And AGB was, was –

MR. ALLEN: Was comprehensive.

REPRESENTATIVE CLARY: – was comprehensive.

MR. ALLEN: Yes.

REPRESENTATIVE CLARY: Yes, sir.

MR. ALLEN: Yes, it was. What has been done at this point is that we have now implemented – and again, I can't speak for everyone, all 20 – the other 19, but we have already implemented – we did it relatively quickly after that meeting. We have already implemented policy and a code of – it's called a code of conduct. I would – I would probably have rather it said code of commitment or something else, other than – because it's really more about – it really highlights a couple of things.

And what SACS really was – based on their report to us, was bothered by, and AGB kind of confirmed it with more detail – as you said, the AGB report and our conference with them was very comprehensive – were a couple of things. And again, and SACS, in particular – and that was independence.

And they talk about independence explicitly, that board members, the current board members, on the whole, were – did not demonstrate and did not utilize, in their fiduciary responsibility, preserve the independence that must be preserved in order to carry out your duties faithfully and with fidelity to the university. That was – that was the primary point that SACS made.

So rolling over to AGB, when they did their – and that was done at the recommendation of President Caslen, and we all agreed – they took a more comprehensive approach, as I said, and they had the same concern. And they went a little bit – a little bit further with the standard, realizing emphasizing that the standard, in executing your fiduciary responsibility, was, what's in the best interest of the institution?

So those two things and the policy and the code are explicitly addressed. I mean, it talks voluminously about independence and about best interest. Now, quite frankly, if I can – again, I'm under oath. If I can be candid –

REPRESENTATIVE CLARY: I'd like for you to be.

MR. ALLEN: Yes, sir. Yes, sir. And I say this with great humility. I didn't – I didn't really – I didn't need that because every vote I've ever cast as a trustee of this university and this institution that I love so much, I have done out of the best interest – what I considered the best interest

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of the university, and I've done it in the spirit of independence. And you can't – you know, you – we have to be mindful that we have constituents because, of course, we do.

But ultimately, it's a – and it's kind of a fine line, but ultimately, you have to exercise those duties with the requisite amount of independence that you can preserve, protect, and promote the best interest of the university. And like I say, I say that with great humility, but I didn't – I didn't – I didn't need somebody – I didn't need a third party to tell me that.

REPRESENTATIVE CLARY: Well, maybe you didn't, but maybe the other 19 did, and I certainly respect someone that has a streak of independence. That's something that I've always prided myself in.

I also want to move to something else that you said. You talked about two things that got my attention because in the short time that I've been on this joint committee, it's come up, and I've questioned board members about it, about who speaks for the board. And, you know, it's always, Well, the chairman speaks for the board. And you say that you issued a press release detailing your decision.

And, listen, I'm not casting any stones about that because I disagree with people around here all the time. And that's our system. But I do think that in being a member of board, that, while you can have your opinion, I think that there's a proper way in which to do it. And whether or not a press release is the proper way, you know, I'm not saying one way or the other.

But I thought it was interesting when you said that. Did any other members of the board of trustees issue a press release?

MR. ALLEN: There was – there were other board members that commented publicly. And, you know, we had a – we had a lawsuit. And there were other board members that talked to television, that talked to other form of media. And one of the – one of the reasons I did that – and I did it. I discussed it with the chair, and I told him. But I kind of – I kind of saw this coming a little bit. A little bit.

And I just wanted, in some form or fashion – I wanted to have it on the record so six to eight to ten months later, when I would explain how I – the thought process I went through and the deliberation I went through, I wanted to be able to not just sound self-serving and say, Well, hey, by the way, I didn't – I had a different point of view than some of the others. And that was the only way I knew to do it.

REPRESENTATIVE CLARY: Well, and I also respect the fact that when people come in here and say, you know, If the vote had been held in April, I would have voted this way, but when the vote was hurriedly

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arranged in July, after there was a process that had been established for reopening that search, in essence –

MR. ALLEN: Correct.

REPRESENTATIVE CLARY: – hiring an interim president –

MR. ALLEN: Correct.

REPRESENTATIVE CLARY: That had already been done.

MR. ALLEN: Correct.

REPRESENTATIVE CLARY: I think that it is a legitimate complaint or reason to say that you disagreed with the process because if the process is not being followed at this level, then we've got a huge problem. And we've seen, throughout state government, not just in the college and universities – we've seen problems in the process. And we've got huge issues that are confronting us right now because of that failure to follow process.

My last question: You mentioned – you alluded to abatements.

MR. ALLEN: Senator Scott, yeah, actually did that.

REPRESENTATIVE CLARY: Senator Scott had talked about that. And you said that's an administrative issue. Is that not an issue that comes before the board to set the policy on what abatements are going to be and then the administration carries out that policy?

MR. ALLEN: It has not been. It has not been. And I think that's about to get corrected. We have – to my recollection, we have never addressed that. I'm not saying that we shouldn't have been. But we have never addressed that as a matter of policy per se.

The way I think it could be approached is, of course, we vote on a budget annually. And it's relatively specific. But I have never seen – and when we're talking about tuition, out-of-state students, in-state students, regional campuses, and so on and so on – I have never seen that line-itemed in our budget. But I, I – at this point, I believe that we should, at least through the budgetary process – that that needs to be addressed.

REPRESENTATIVE CLARY: And Mr. Allen, please understand, this is a question that I've asked other colleges and universities, other board members, so I'm not trying to specifically pick on you or U of SC.

Thank you, Mr. Chairman.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Two or three brief questions – and good morning.

MR. ALLEN: Good morning.

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SENATOR ALEXANDER: Thank you for being here, Mr. Allen. So following up on Judge Clary, if I understood you to say, you've never had even a report from the administration on abatements?

MR. ALLEN: We have not. To my recollection and to my knowledge, I have not seen a written report. I have asked –

SENATOR ALEXANDER: Well how about a verbal report?

MR. ALLEN: Well, I've questions. I've asked questions about it.

SENATOR ALEXANDER: You have asked questions?

MR. ALLEN: I have, yes, sir. I have. I have. And the last –

SENATOR ALEXANDER: What kind of questions have you asked?

MR. ALLEN: Well, like, what's going on with that?

SENATOR ALEXANDER: And what kind of response did you get to that?

MR. ALLEN: Well, that it was – it was not – the financial impact was not as great as it had – was reported to be.

SENATOR ALEXANDER: Did they give you a number for that?

MR. ALLEN: A number as far as –

SENATOR ALEXANDER: The dollars, or, I mean, you – I mean, what's, what's small to you may be large to somebody else.

MR. ALLEN: Hey, and I'm a – (indistinct)

SENATOR ALEXANDER: Well, just get to the answer, yes, sir.

MR. ALLEN: I'm not rich.

SENATOR ALEXANDER: I understand. I understand you're laughing about that, but that's okay. So they didn't give you a number.

MR. ALLEN: It was a couple of years ago, and I, frankly, don't – I can't – I can't recall. I just can't recall.

SENATOR ALEXANDER: Do y'all set tuition?

MR. ALLEN: Do we set tuition?

SENATOR ALEXANDER: Does the board set tuition?

MR. ALLEN: Of course.

SENATOR ALEXANDER: So is that not a part of, of that process?

MR. ALLEN: It would – as I said to Representative Clary, it has not been. And it – and it – at this point, I would take the position that it should be.

SENATOR ALEXANDER: I've been consistent in asking all the candidate about who should be sitting on the board as far as student government president and a faculty representative. And what is your position or thoughts on that?

MR. ALLEN: I think I indicated on my – the materials I submitted –

SENATOR ALEXANDER: Yes, sir, I've read that.

MR. ALLEN: Yeah, yeah.

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SENATOR ALEXANDER: I just wanted you to respond. So –

MR. ALLEN: Well, I, I – if you would, please. I indicated in the materials that I submitted that I thought both should have the – both – as you well know, as the committee's heard numerous times, they both are at the table for trustee meetings, the faculty representative and the student body president. It's been that way since I've been on the board.

And I indicated in materials that I thought both should have voting rights as far as being members of the board. I would like to amend that at this point in time and, and, and – in the sense that I would – I would – I did further research after that application or those materials were submitted, and I changed my mind on the faculty representative. I do not, after hearing from AGB with the comprehensive work they did for us and I became more educated on it, you might say –

SENATOR ALEXANDER: When –

MR. ALLEN: – I would not – I would not advocate that, for the faculty to vote – representative to vote. However, I would maintain that the student body president should.

SENATOR ALEXANDER: When did they issue that report?

MR. ALLEN: About a month ago.

SENATOR ALEXANDER: What is your attendance – talk to me about your attendance as a board member.

MR. ALLEN: As far as I can recall, I've missed one normal meeting because I was on a family vacation. And a couple of years, I drove back. I was at Hilton Head, and I would drive back for the meetings. And about two years ago, I couldn't – I couldn't do it. So as far as I know, one.

SENATOR ALEXANDER: You – and does any of that include call-in by teleconference?

MR. ALLEN: No, that –

SENATOR ALEXANDER: Or just in-person?

MR. ALLEN: That comment was limited to, yeah, physically being there on regularly scheduled meetings.

SENATOR ALEXANDER: Okay.

MR. ALLEN: Call meetings by telephone, I've, I've –

SENATOR ALEXANDER: That's fine.

MR. ALLEN: Yeah.

SENATOR ALEXANDER: I just wanted to make sure that when you were saying that, that wasn't inclusive of teleconference and that was physical, physical presence.

MR. ALLEN: Correct. But I've missed a few – I've missed a few teleconferences.

SENATOR ALEXANDER: Okay. But that's –

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MR. ALLEN: Because my schedule, you know. They get scheduled on three or four days' notice, and I may have a court appearance or something that I've got to attend to.

SENATOR ALEXANDER: Thank you.

MR. ALLEN: Yes, sir. Thank you.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

MR. ALLEN: Thank you for your service.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

And welcome, Mr. Allen.

MR. ALLEN: Thank you.

REPRESENTATIVE WHITMIRE: The 10th Judicial Circuit trustee seat is the last one we've heard. We've heard from numerous others, as you well know, yesterday.

MR. ALLEN: Yes, sir.

REPRESENTATIVE WHITMIRE: And I have to admit, there were a lot of questions that were asked by our panel that I did not feel were answered properly. I felt some of them were very evasive, some of them didn't seem to know, and I – this whole process has garnered such negative publicity for the university; and, of course, the SACS issue. If you could go back before April, first vote, how would you have preferred that the president search and eventual naming of a president be made?

MR. ALLEN: Well, after the decision was made to name an interim president – because that was part of my consideration, too – I think we should have gone forward with that. Because if we had named an interim president – I mean, that was a public, clear, you know –

REPRESENTATIVE WHITMIRE: But going back before that, we were told yesterday by one trustee candidate that the votes were there in April to elect General Caslen and the vote was not taken. Am I – did I hear that right?

MR. ALLEN: That – it was a close vote. It was a close vote. There was no vote taken, of course, because we just – we couldn't do that.

REPRESENTATIVE WHITMIRE: What – who made the decision not to vote in April? I guess that's my question.

MR. ALLEN: This is my recollection of that. The – there – you know, there are several members on the board that have, like, 30 and 40 years' seniority. And those senior members – I remember – I do remember this explicitly – said that this board is too divided. One member – one senior

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member said, I've never seen this board so divided, and we can't proceed like this.

And I think the deference in the room to the seniority, although hindsight might show it as erroneous judgement – but the deference in the room – or there was deference in the room to defer to that because of their experience. They had been through presidential search processes before. I'd never been through one, and, and, and so I think that's what – I think that's what tipped the balance that day, was when –

REPRESENTATIVE WHITMIRE: It really created a bigger mess, that's for sure.

MR. ALLEN: It got messy. It sure did, yes, sir. I agree. It got messy, and it, it – and it's been very regretful.

REPRESENTATIVE WHITMIRE: Well –

MR. ALLEN: But I would add – I would add, must me personally – again, I can only speak for this trustee. But the activities outside the boardroom that day had nothing to do with my deliberations; none, whatsoever.

REPRESENTATIVE WHITMIRE: All right. My last question, and you might have answered this earlier. You said you would have voted for General Caslen in April, correct?

MR. ALLEN: Yes, sir. And I think I said as much. When we had – when we –

REPRESENTATIVE WHITMIRE: And, and exactly why did you change your vote the second time around?

MR. ALLEN: Because after ten weeks had elapsed, the process – I – the process had gotten so messy and so difficult that at that point in time, because of everything that you have to consider as a trustee, all the constituent groups, it was so messy and so detrimental that I could not say it was the best – in the best interest of the university at that time. And I said that. I said that in the record.

REPRESENTATIVE WHITMIRE: So I assume that if he had not been voted in, the process would have been opened back up again; is that correct?

MR. ALLEN: Well, that would be kind of – that would be kind of hypothetical since he got elected.

REPRESENTATIVE WHITMIRE: Right.

MR. ALLEN: But if I would venture, we, we – yeah, we would have had to continue because we would have had an interim president only, but that interim was prepared to work for, I think, up to a year. He was not on a contract, per se, but he was prepared to work for a while.

But so, yeah, I mean, that – necessity would have required that.

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REPRESENTATIVE WHITMIRE: Thank you.

MR. ALLEN: Yes, sir.

CHAIRMAN SENATOR PEELER: Anyone else?

SENATOR SCOTT: One other question.

CHAIRMAN SENATOR PEELER: Ms. Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

Unfortunately, yesterday afternoon, I was not in committee and so I missed the entire discussion about the accreditation issue. So would you tell me what the status of the accreditation at the college is?

MR. ALLEN: The way I – thank you, ma'am. The way I understand it is, there were no penalties assessed as such. However, SACS will remain engaged with us through whatever their process is. I think it's a minimal process. They will remain engaged with us to continue to monitor us to see what type of adjustments and what type of discharge of duties that occurs with the board, you know, from this point forward, up until – probably a year would be my –

REPRESENTATIVE DAVIS: So from what I have read, I believe the accreditation board cited undue political influence; is that correct?

MR. ALLEN: That's my – that's my – yes, ma'am.

REPRESENTATIVE DAVIS: Do you believe that there is undue political influence on the board?

MR. ALLEN: Well, again, it's hard to speak for everybody else, and we – there's a lot of constituent groups, as I mentioned earlier, that have to be – that we have to be mindful of, including the General Assembly.

REPRESENTATIVE DAVIS: But do you believe that there's undue political influence?

MR. ALLEN: By whom? Can I ask that?

REPRESENTATIVE DAVIS: I mean, I don't know. From what I read about – from the accreditation board, I don't believe the accreditation board cited particular – a particular person or entity that was causing undue influence. So I read that to be general undue influence.

MR. ALLEN: Well, there were text messages and emails that were FOI'd – you know, requested under the Freedom of Information Act – and I think some of those – and I produced all of mine. I didn't have many, but I produced all of mine. But I think some of those probably were direct evidence of some of that.

REPRESENTATIVE DAVIS: Okay. So I'm believing that the board has put into place some sort of action plan to address that particular concern of the accreditation board; is that correct?

MR. ALLEN: Yeah.

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REPRESENTATIVE DAVIS: Has the board put into place some action plan to take –

MR. ALLEN: It, it –

REPRESENTATIVE DAVIS: – to ensure that there is no undue political influence?

MR. ALLEN: There, there – as I mentioned earlier, there's a code, and then there was a policy section added to our by-laws. Also – I failed to mention this, and which I had kind of worked on this personally for several years. There's an oath of office now that we didn't have, and I thought – I thought, just, that we needed that.

I've thought that for a long time. And not something complicated, but just something that, you're pledging fidelity and allegiance to the best interest of the university. But that's what we have – and also; excuse me.

Also, there was an ad hoc governance committee formed recently, and it will – its charge is to look at committee structure, other policy adjustments, you know, in order to, again, enumerate and state explicitly some of the fiduciary responsibilities of the board. And that's probably – I understand – I'm not on that committee either. I understand that's probably about a six- to nine-month undertaking, that they will continue to work on that. So that also will be done.

REPRESENTATIVE DAVIS: Okay. So I'm assuming that you would agree with me that as a state, we want to ensure that we do not put the accreditation of our universities at risk.

MR. ALLEN: Absolutely. And that – and I – and that, once again, when I issued that statement, I cited that. I cited in that statement before that vote, I said, we've got accreditation issues on the line. And when the accreditation is in jeopardy, I can't jeopardize that and say I'm exercising my duties in the best interest of the university.

REPRESENTATIVE DAVIS: That's right. I agree. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you. Anyone else?

Mr. Allen, you're a straight shooter, and that's what I like about you.

MR. ALLEN: Thank you.

CHAIRMAN SENATOR PEELER: The board struggled on hiring the president, but the real struggle is who is going to be the next chairman of the board. Is that a true statement?

MR. ALLEN: Well, with all due respect and due regard, given that I've got vigorous opposition for this seat and in the General Assembly at this time, I – it would probably be presumptuous for me to comment. I may not be there. But as I see it – as I see it now –

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CHAIRMAN SENATOR PEELER: My next question was going to be, what's so important to be chairman of the board of trustees of the University of South Carolina to make the board go through this kind of turmoil if that was true?

MR. ALLEN: If that was true – that's a good question because I don't share – I don't share that sentiment because I just – I don't – and like I say, I may – I may be – you know, I may be in a real minority. I just, some of that – some of that sentiment I don't share.

And I do believe with great passion, you might say, that it gets in the way, the, the, the agendas and the – because that's kind of personal. Sometimes, that can become personal agenda and, you know, that's not in the best interest of the university. And I just don't – I don't engage in it.

CHAIRMAN SENATOR PEELER: Okay. What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable. Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. It's unanimous.

Thank you, sir.

MR. ALLEN: Yes, sir. Thank you and other committee members.

CHAIRMAN SENATOR PEELER: Next, under Tab B, Emma Morris, Walhalla.

Good morning, ma'am.

MS. MORRIS: Good morning.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MS. MORRIS: Emma Wyatt Morris.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. MORRIS: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. MORRIS: Sure.

I'm not sure exactly how much information you want about my background, but just so you kind of get a feel for who I am, I'm born and raised in Oconee County. My mother was an educator for 36 years. My grandmother was an educator for 40 years. My husband is an

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educator/student, grad student. I have a college student. My daughter is a junior at Furman University. I have two sons, a tenth grader and an eighth grader. They both go to Walhalla Middle School and High School.

I am a 199 graduate of the university. My major was finance from the business school. And then I attended the Cumberland School of Law at the – at Samford University in Birmingham, Alabama.

I practice law in Seneca. I have two partners; oh, excuse me, one partner and a junior associate. My practice is real estate, probate, business-type law.

I've not been very involved since graduation with the university because I've been raising three children and working, but I've always had an interest in the university. I feel like I'm in a place in my life now where I could dedicate the time that I need to serve on this board of trustees. I probably have maybe an untainted view of what's going on with the board, other than the negative publicity that I've seen, you know, with the hiring of the new president. And so I think I could bring a fresh perspective.

I'm a fairly quiet person. I'm more analytical, I guess. I like to collect facts, collect information, and reserve, reserve my opinion until I can give a good opinion.

And so I appreciate you all having me here today. I don't – that's, that's my history. I'm not sure what else to tell you about that.

CHAIRMAN SENATOR PEELER: I appreciate you offering it.

SENATOR ALEXANDER: (Raises hand.)

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander?

Senator Scott, I –

SENATOR SCOTT: Yeah.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

Good morning, and thank you for your willingness to serve. In your capacities with your work, would there be any, any inability for you to attend meetings on a regular basis that are, that are scheduled?

MS. MORRIS: No, sir. I'm very rarely in court with, with the kind of law that I practice. It's mostly office appointments, and even my court schedule is pretty flexible, so.

SENATOR ALEXANDER: And one question that I've asked all of the candidates across the board. As far as someone sitting on the board that's either the student government president or a faculty representative, do you have particular thoughts on that?

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MS. MORRIS: Well, I think there were – those are two huge groups that need some form of representation on the board. They're, they're the heart and soul of what's going on on the campus on the university, whereas, you know, as a, as a board member, you're not there every day, all day, every week, over the weekend.

And so certainly, I think that they should be represented. Some careful consideration about the ability to vote, but definitely insight from those folks I think would be invaluable.

SENATOR ALEXANDER: Thank you.

Thank you, Mr. President.

CHAIRMAN SENATOR PEELER: Thank you.

Senator Scott.

SENATOR SCOTT: Thank you, Ms. Morris, for your willingness to serve. You're – I see you're a 1992 graduate of the university, and you said you've not been involved in – very much in it since you left. So how do you kind of catch up to speed with all the stuff that's going on at the university? But you did say you spend a lot of time doing some in-depth studying. So you want to share with us what you, what you have collected and what you think is going on and what you think –

MS. MORRIS: Sure.

SENATOR SCOTT: – you could do to make the situation better as a contributing member if you become a member of this board?

MS. MORRIS: Sure. I think one thing that I've, I've looked a lot at is something that you brought up earlier –

SENATOR SCOTT: Okay.

MS. MORRIS: – with minorities as a whole but specifically African American. I mean, I – like, I'm analytical, so like I said, as a board member, I would – I would want to go back to the beginning of the process. What do – what does the application pool look like versus what is the incoming class look like?

SENATOR SCOTT: Intake system.

MS. MORRIS: How does that compare? You know, is, is there a breakdown between the university and, and the high schools, getting information out, getting on those campuses? I know, having a child and children in high school, they have days where, where universities are on the campus, recruiting, so to speak, offering free application times. So, you know, is the problem that the applications are not coming in, or is the problem that the applications are not being accepted, and, and why? That, that would be where I want to start, is all the way back at the beginning of that.

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And to tie in with that, I was – I was very shocked to see – I think the number I pulled, and I think it came off of the diversity inclusion part of the web page – it showed 44 percent out-of-state students.

SENATOR SCOTT: Right.

MS. MORRIS: I was shocked and, and kind of hurt because this is our – the University of South Carolina, and we need to be having our own students from our own high schools.

SENATOR SCOTT: I've read also – I think it was some up-to-date data for this incoming freshman class – there were 14,730 applicants which they should increase by 1700 – 1750 additional minority students, taking the total count to 5100. And I'm seeing all of a sudden in the year that these folk have got to come before us, the intake system now decides to intake these students. And they also indicated that they had a three point – a thousand on the SAT when before, it was all about 1100. So it's right at the intake system, what the Columbia campus has decided it wants to be – the intake numbers coming in. So I don't think it's recruitment back at the schools.

MS. MORRIS: And I –

SENATOR SCOTT: I think the applicant – I think the application pool is there. It's just going through the pool and pulling the information up. But I think you're right on target in looking at that intake system.

MS. MORRIS: Yes, sir.

SENATOR SCOTT: Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

And welcome, Ms. Morris.

MS. MORRIS: Thank you.

REPRESENTATIVE WHITMIRE: Following up on what you said about the number of out-of-state students, this is a huge concern of mine and I think of a lot of other members on the committee. If you were chosen to be on the board, what would you do to change that dynamic to bring more in-state students into the university?

MS. MORRIS: Well, from what I read, part of that has to do with money. Because if you bring somebody in from out of state, that's almost double the tuition. So I tried to find what was happening with the bill – 238, I think, is the number – and what are the ideas. And I may not have the best information, but looking on the website, it looked like that came out of the Senate. So certainly, I think if there is more funding to balance out, that, that would help. And certainly –

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REPRESENTATIVE WHITMIRE: What do you feel about abatements for out-of-state students? We've asked that question quite a number of times.

MS. MORRIS: I just feel like our students deserve priority, and there needs to be some way to, to give them the priority to – that they deserve.

REPRESENTATIVE WHITMIRE: Okay. Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Good morning, Ms. Morris.

MS. MORRIS: Good morning.

REPRESENTATIVE CLARY: – and thank you for being here. Thank you for offering to serve. When I look at your information and you say you haven't been involved at the university, what other types of things have you been involved in in so far as board memberships, organizations

MS. MORRIS: Sure.

REPRESENTATIVE CLARY: – things like that in your local area because I'm not seeing anything that jumps out at me, and maybe there's something that you haven't mentioned.

MS. MORRIS: Sure. I'm currently on the board of a charitable organization called Grace's Closet; excuse me. This is an organization that has a true closet in every school in our district that provides clothes, shoes, food, personal hygiene items, so I'm the attorney/board member for that board. I help with all that fund-raising. We've just turned that to – the director is now a paid position, so it's a pretty decent-sized organization, being in 19 schools.

I served on the Crime Stoppers board in Oconee County. I've served on the Voc Rehab board for Anderson and Oconee County. I've served on various committees at my church, from personnel to finance; employee search committees.

REPRESENTATIVE CLARY: In the last couple of days, we've learned a lot about the dysfunction that existed with the board at U of SC. And we've alluded to the fact that SACS has been involved, that the university, to their credit, involved AGB, a national organization, to come in and conduct a seminar. Have you read that AGB report?

MS. MORRIS: No, sir, I have not.

REPRESENTATIVE CLARY: Thank you very much, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Anyone else? What is the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable.

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(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Seconded. Is there any discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you, ma' am.

MS. MORRIS: Thank you.

Thank you very much for your time this morning.

CHAIRMAN SENATOR PEELER: Next, Phillip Owens from Easley.

Good morning, sir.

MR. OWENS: Good morning.

CHAIRMAN SENATOR PEELER: You don't need to give us your full name, but for the record, if you would.

MR. OWENS: Yes, sir. Phillip Drayton Owens.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. OWENS: I do.

CHAIRMAN SENATOR PEELER: Why don't you sit down and make a brief statement.

MR. OWENS: Thank you.

Thank you, Mr. Chairman and committee. It's a pleasure to come before you this morning and to offer for this trustee position at the University of South Carolina. I am a resident of Easley and the – at this time, the 10th Judicial Circuit. I spent some time down here in this institution a while back. And I am a local businessman.

I started and created a few businesses in the Pickens County area and Union County and some other places, and I have also been an advocate for my flagship university. I – as I replied in my statement, I feel that the university provided me with the necessary skills and abilities to move forward in my life cycle beyond graduation, and for that I'm quite grateful.

And also, that allows – would allow me an opportunity to return some gifts that I may have to the university in helping direct it forward in the mission that we want it to accomplish.

So once again, thank you for being here.

CHAIRMAN SENATOR PEELER: Thank you.

Questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary?

REPRESENTATIVE CLARY: Good morning, Mr. Owens. Good to see you again.

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MR. OWENS: Good morning.

REPRESENTATIVE CLARY: And thank you very much for offering to serve. When I look at the information that you provided, you talk about ways to attract students, and there are several needs in there: affordable price; students should reflect high standards of academia; controlled growth needed; need effective marketing. How about expanding on that a little bit.

Controlled growth; I mean, everything that I've heard in the last couple of days is that the main campus here is just about tapped out. So what do you do in so far as continuing some sort of growth, and then how do you effectively market that?

MR. OWENS: Well, thank you, Representative Clary, for that question. I think that part of the responsibility of the board is to help develop and, and follow the vision of the university after receiving input from the General Assembly and those outside; from the students; from the citizens of South Carolina. That once we identify that, that we move forward.

As far as – and I think I said in my statement, with the input from the students and faculty, administration, and staff. That's how we would look at doing that.

Now, growth, whether it is in a university or whether it's in a business or whether it's elsewhere, in order to be effective, in my opinion, it has to be looked at from, What are the facilities that are available, and, as you alluded to, Representative Clary, what is the land that is available?

Where are we? I know other institutions have – and some of the presidents and some of the boards have made public statements that they would like to increase their student enrollment from X-number to X-number, and that's a large number. And that has an impact, not only on the university but the town that that university resides in and so forth and so on.

REPRESENTATIVE CLARY: I hear you.

MR. OWENS: So I think that, looking at all of those factors, that's why I said that it has to be controlled. I don't – I don't think that a university wants to get to a point where they say they're full and I don't want any more students because the university serves a purpose of providing skills to the – to the citizens of South Carolina and those that they allow from outside. So I think that they have to look at, what do they have? What are they able to expand and build, and how do they serve, first, the South Carolinians that wish there and then the others that they bring in?

REPRESENTATIVE CLARY: I would assume that you kept up with the issues that confronted the board of trustees at U of SC over the last year or so and the hiring of the new president, the intervention by SACS. And

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once again, to the university's credit, they acknowledged that they had issues, and they brought in AGB for training. Have you read that AGB report?

MR. OWENS: I have not, sir.

REPRESENTATIVE CLARY: All right.

Thank you very much, Mr. Chairman.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good morning, Mr. Owens.

MR. OWENS: Good morning, Senator.

SENATOR ALEXANDER: Good to see you today.

MR. OWENS: Thank you.

SENATOR ALEXANDER: Is there anything that, in your current capacity, would preclude you from being active and attending meetings of the board?

MR. OWENS: No, sir. I'm retired.

SENATOR ALEXANDER: Okay. And as far as about someone sitting on the board, the student government president or a faculty representative – and I read, as I had already read some of the other ones, but I wanted you – but I wanted them to comment – your thought on that, and you said you'd leave it to the General Assembly to decide.

And I guess my question would be, if you were a member of the General Assembly at this time, what would your position be from that standpoint?

MR. OWENS: Thank you, Senator, for that question. If I might expand or clarify just a minute. I do think that the – for – alumni and the faculty should be – have a seat on the board. I think the General Assembly should decide whether it is a voting seat or not.

SENATOR ALEXANDER: Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

REPRESENTATIVE WHITMIRE: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Good morning, Mr. Owens. It's been a while.

MR. OWENS: Yeah. Thank you.

REPRESENTATIVE WHITMIRE: We've, you know, had trustees, candidates, from numerous colleges and universities throughout the state over the last three months. Most of them seem to have a lot more in-state students than U of SC. I'm really concerned that I don't feel like we are,

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you know, dedicating our flagship university to our own in the state. How do you feel about that?

MR. OWENS: I agree with you, Representative Whitmire, and during my previous tenure, we dealt with that quite, quite often, as you're aware, in that there – there's always trying to be balance between – of course, out-of-state students bring in double the revenue to the university than in-state students.

But as I responded, in my opinion, we always have to favor our South Carolina in-state students above the out-of-state students. If you go to some universities, you will notice that in certain areas, you have a disproportionate number of out-of-state and sometimes out-of-the-country participants and graduates if you attend those ceremonies.

And we always have to serve South Carolinians first, and then afterwards, if we have that controlled growth, we can add the others.

REPRESENTATIVE WHITMIRE: What concerns me the most is that most of the out-of-state students, whether it's U of SC or Clemson, wherever, they don't stay in state once they graduate. Most of the students who come from the state do stay. So I feel like we're spending all of our state money educating someone who might not stay around. And so that's always been a concern. I know that it has been of yours, too, so –

MR. OWENS: Yes, sir.

REPRESENTATIVE WHITMIRE: All right. Thank you, sir.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Rep Owens, Mr. Owens, whatever the new name you've taken in your retirement years.

MR. OWENS: Grandpa.

SENATOR SCOTT: Grandpa. That's a good name. That's better than all of them.

You've had, first-hand, the opportunity to see – before leaving in 2014 – a number of issues through the higher ed community. I think you served as a chair of the education committee –

MR. OWENS: Yes, sir.

SENATOR SCOTT: – if I'm not mistaken. What was your position when you were there as relates to the growing number of out-of-state students and always using that same, I guess, excuse that the General Assembly doesn't fund us at the same level, as well as your input and ideology when you were here as relates to diversities on these campuses since we have allowed the growth of out-of-state students create a bigger divide?

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When you listen to USC, that's a campus you want to go and work on. Grew 40 percent out-of-state students, which simply means that it blocks the door for all in-state students coming in when out-of-state is growing faster than the in-state.

What was your take at the time, and what would you do different as a member of that board of trustees to try to slow this down so we can get some, I guess, some parity, or at least we get South Carolina students coming back to South Carolina schools? Because when you don't have schools for them, they go someplace else.

MR. OWENS: Well, I think we have to go beyond statistics, and we have to monitor results. If we are promoting diversity, either through introduction of out-of-state students or from our own students/citizens here in South Carolina, we need to go beyond saying, We have this program and we have that program and we're this and that.

We need to monitor and review and say, Well, I know we have these three programs that focus on this particular method to solve some of the problems that you put forward, Senator Scott, but where's the accountability? Where are the numbers that say these programs are working? I think someone alluded earlier, you know, that we, you know, for six or seven years – it may have been you, Senator Scott – we've talked about these things.

I think we, we have got to take better control of saying, you know, This particular program or this particular control or this particular monitor on it – out-of-state students coming in – gives us these results, but we don't do anything with the results, and we follow forward with the program. So we've got to be results-oriented rather than just making reports every year.

CHAIRMAN SENATOR PEELER: Anyone else?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion is favorable.

((Motion is seconded.))

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you, sir.

MR. OWENS: Thank you.

CHAIRMAN SENATOR PEELER: Last candidate, Blair Stoudemire from Seneca.

Sir, for the record, if you would, give us your full name.

MR. STOUDEMIRE: Certainly. Blair Lowry Stoudemire.

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CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

REPRESENTATIVE WHITMIRE: I do.

CHAIRMAN SENATOR PEELER: Thank you. Would you like to make a brief statement?

REPRESENTATIVE WHITMIRE: Yes. Thank you. Again, I, like everyone except Mr. Allen, have not been on this board, so I'll just give you a little bit of background about myself. My name is Blair Stoudemire. While I was born on an Air Force base in Florida, in Panama City, while my dad was serving in the Air Force, I have lived the entirety of my life in Oconee County, South Carolina.

I went to Walhalla High School. Attended and graduated from the University of South Carolina in 1990. Probably should have been a semester early, but as my dad liked to say, I spent one semester majoring in fraternity, and for that, I was –

CHAIRMAN SENATOR PEELER: Only one?

MR. STOUDEMIRE: Only one. Working at a textile mill during the summer will change your viewpoint on life.

But after graduation, I attended and graduated from St. Thomas University School of Law in Miami. Came back to Oconee County to practice. I practiced with my father for a number of years and then went on to the Oconee County Solicitor's Office, where I've worked since 2006.

I've got a wife, Patty, and two daughters, Kathryn and Nicole. Kathryn graduated in May from the University of South Carolina and is now scaring me to death on a daily basis living in New York City. And I have my younger daughter, Nicole, who is scheduled to graduate from Clemson University in May, which breaks my heart just a little.

I think that's it.

CHAIRMAN SENATOR PEELER: Questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Welcome, Mr. Stoudemire, and it's good to see you. I've known your dad for a long time. For no one that – or anyone that has not had the opportunity to try a murder trial in Walhalla with Julian Stoudemire, they're missing an absolute treat, I'll tell you that.

MR. STOUDEMIRE: Well, try growing up with him.

REPRESENTATIVE CLARY: All I can say is, I'm surprised you're as normal as you are.

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MR. STOUDEMIRE: As far as you know.

REPRESENTATIVE CLARY: As far as I know.

In looking at your background, tell me about your involvement with the university –

MR. STOUDEMIRE: Yes.

REPRESENTATIVE CLARY: – over the years.

MR. STOUDEMIRE: Over the years, I've been a member of the alumni association, the Gamecock Club, things like that, and for most of us, I think that's really kind of what you're limited to unless you go and serve on a board of trustees seat or really live a little bit more locally and can be more – be more involved.

So that's my involvement to this point, that and being the – being the parent of a graduate, certainly, I've been down here more in the past four years than I – than I have been outside of football games in a long time.

REPRESENTATIVE CLARY: You cite the biggest weakness is not realizing what we have. What do you mean by that?

MR. STOUDEMIRE: Yeah. We – what I saw when, when Kathryn was going through the graduation process, is, we're the flagship university of the state of South Carolina. We have the largest alumni network of any university in this state. I don't think we use it to its fullest ability.

Now, with the building of the new alumni center and things of that nature, I think we're doing a much better job than we did, say, many years ago when I was here. But we've got graduates all over the place in various businesses and various industries, and I still see students today that are graduating, struggling to get interviews with top firms from various fields that they're trying to go into where those firms have people from the university working there and sometimes in a position that would be able to help hire. And it's just – it's not being utilized for whatever reason.

REPRESENTATIVE CLARY: And, of course, you've heard all the discussion about the issues that have gone on over the last months –

MR. STOUDEMIRE: Yes.

REPRESENTATIVE CLARY: – into last year, the SACS intervention –

MR. STOUDEMIRE: Yes.

REPRESENTATIVE CLARY: – at the university, the AGB report. Have you read that report?

MR. STOUDEMIRE: I have not had an opportunity to read that report, no sir.

REPRESENTATIVE CLARY: All right.

Thank you, Mr. Chairman.

REPRESENTATIVE DAVIS: (Raises hand.)

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CHAIRMAN SENATOR PEELER: Representative Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

Is that microphone on? Is that working?

Thank you, Mr. Chairman. I'll lean over here towards Representative Clary.

REPRESENTATIVE CLARY: That's fine.

REPRESENTATIVE DAVIS: I see in your responses that you're an out-of-the-box-type thinker.

MR. STOUDEMIRE: I try to be, yes, ma'am.

REPRESENTATIVE DAVIS: And so that really appeals to me because I believe that there are some undiscovered collaborations that we could identify in higher education to help our students have more successful careers and have jobs waiting for them.

We've worked very hard in the state of South Carolina to bring industry and jobs into the state.

MR. STOUDEMIRE: Yes, ma'am.

REPRESENTATIVE DAVIS: And one of our jobs here as legislators and – is to ensure that our students are getting the education they need in order to take these jobs. So I kind of have a feeling, by reading your responses, that you might have some ideas along those lines. You mentioned that you are an out-of-the-box thinker. You also mentioned that some of the schools at the business need to possibly communicate better. So is any of that – does any of that –

MR. STOUDEMIRE: Yes.

REPRESENTATIVE DAVIS: – tie together in your mind?

MR. STOUDEMIRE: Yes. I –

REPRESENTATIVE DAVIS: Talk about – talk about some of your ideas, if you would.

MR. STOUDEMIRE: Again, just to give you an example, and I know I keep falling back on this, but having a recent graduate, that's what I know to fall back on.

Kathryn was a journalism major, and within the journalism school, you've got various schools in there with regard to broadcast journalism, with regard to advertising, and even library science is involved in there. For instance, with – when she was looking for a job, none of those – none of those schools communicated with each other at all.

She could have – she could sit there and be very good friends and associate with some professors and have them helping her out, but as a whole, there may be other professors within the same college that would have absolutely no idea what one of their own schools was doing with regard to helping students get jobs.

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And I think it's the same thing within the business administration school. You've got a multitude of majors that fall within there between advertising, marketing, finance, accounting, things like that, and some of those schools work well together and there's really kind of a dovetail between these schools, so naturally, they work together.

But I think that we need to try to go beyond the natural fit and almost put a square peg in a round hole or put a round peg in a square hole a little bit, just to see if we can jam it in there and maybe help somebody get that initial job out of college because I think the studies have shown, once they get the initial job out of college, that's really the hard part for these graduates.

Where they go from there is going to be up to them, their work ethic, and what they're able to do on their own from that standpoint, for the most part. But I feel like these schools could be working together in just some alternative ways that they haven't before.

REPRESENTATIVE DAVIS: Well, just in follow-up, as a member of the board, would you be willing to take on that challenge to work and put something in place so that those schools are communicating with each other and perhaps even put a direct line of communication between those schools and industries and jobs so that our students can have those opportunities?

MR. STOUDEMIRE: Absolutely.

REPRESENTATIVE DAVIS: Okay. All right, thank you.

MR. STOUDEMIRE: Yes, ma'am.

CHAIRMAN SENATOR PEELER: Anybody else?

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

Good morning. Good to see you.

MR. STOUDEMIRE: Good morning, Senator Alexander.

SENATOR ALEXANDER: Appreciate you being here. Just again, to consistency there, with your work at the Solicitor's Office, is there anything that would preclude you from being able to attend regularly scheduled meetings if you were a member of the board?

MR. STOUDEMIRE: That's – and you're coming from the same area I do, so I – so I know you know – and Senator – and Representative Whitmire know how far it is for us to come down here. So accommodations have to be made. I'm very fortunate, and I've spoken with the deputy solicitor who's in charge of our office and also our elected solicitor. In addition to that, I've spoken with some of the judges

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that I regularly appear before, and I will not have a problem being able to come to any meetings.

Fortunately, we've got a really good office, and if I'm missing court, then I've got somebody who can – who can run back up for me and attend a court session. With regard to trial, I can – those are usually scheduled weeks, if not months, out. So that's not a concern at all.

SENATOR ALEXANDER: Thank you. And would you briefly say your position on either the student government president and/or a faculty representative sitting on the board and/or with voting rights?

MR. STOUDEMIRE: Yes. I, I would echo what Ms. Morris said on that. Those are two of the groups that are really most affected by everything that the board of trustees does and the university administration does on a day-to-day basis.

With regard to the student representative, I know that there's been some concern and some talk about, Well, what if the student body president, who – let's just say, for example, the student body president were to be the representative to serve on the board. What happens if the student body president is somebody from out-of-state? Or what happens if you have a faculty member who, you know, comes, comes from out-of-state that really has not spent a great deal of time here?

So I think those are – those are things that need to be taken, maybe, into consideration, but the bottom line is, is I think if you put a student on the board, student body president, say, and you put a – you put a faculty member, a tenured faculty member on the board, certainly, they're going to have the university's best interest at heart, and I think they'll be valuable additions to the board.

SENATOR ALEXANDER: Thank you, Mr. President.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR SCOTT: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Stoudemire – mire or mare –

MR. STOUDEMIRE: Whatever you want to call me.

SENATOR SCOTT: – depending on which part of the country you're from.

The Solicitor's Office; I see you've been there 14 years.

MR. STOUDEMIRE: Yes, sir. It will be 14 years this September.

SENATOR SCOTT: How many staff is in the Solicitor's Office?

MR. STOUDEMIRE: In our particular office, we have – we have five lawyers and then staff beyond that. I think we're totaling about 15, 16 people.

SENATOR SCOTT: Are there any minority lawyers in there?

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MR. STOUDEMIRE: There are no minority lawyers in our particular office. However, in the Circuit, we do – we do have some in the Anderson office, yes, sir.

SENATOR SCOTT: How many? How many in the Anderson office?

MR. STOUDEMIRE: Two.

SENATOR SCOTT: Two. And how big is that Anderson office?

MR. STOUDEMIRE: Anderson office has – I'd have to go back and check, but I want to say they've got somewhere in the neighborhood of 10 lawyers in that office.

SENATOR SCOTT: Okay. And I see you were a history major, so you're –

MR. STOUDEMIRE: Yes, sir.

SENATOR SCOTT: I was a history major and I changed. I wasn't going to make any money, so I changed.

MR. STOUDEMIRE: Yeah, I sympathize with that.

SENATOR SCOTT: All I could do was teach – yeah. I could teach, and that's about it, or do research. Well, listen, my question to you is diversity –

MR. STOUDEMIRE: Yes, sir.

SENATOR SCOTT: – as relates to the university. I've been trying to get some kind of feel for you as an individual, your feeling on diversity, and it's easy to understand diversity a little bit better if you're working with a very diverse population –

MR. STOUDEMIRE: I agree.

SENATOR SCOTT: — that's around you –

MR. STOUDEMIRE: I agree.

SENATOR SCOTT: – outside of just representing them in court or either put them in jail in court. So share with me your insight as it relates to diversity. Now you're not on the side of the law where you're defending the state or the county, but you're now looking at students in an intake system that's broken and how we educate the young African Americans and other minority students in the state. So it's some of the same concern you indicated a minute ago about your daughter getting a job.

MR. STOUDEMIRE: Right.

SENATOR SCOTT: It's wide open because they were USC graduates regardless of race who are on those jobs who could help bridge that gap that you talked about.

MR. STOUDEMIRE: Yes. With regard to diversity, I think that we – we've made some headways, and you talked about it with, with Mr. Allen earlier, about things that have been set up – certainly under Mr.

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Dozier and the Office of Multicultural Student Affairs – that have been started, I think we need to continue the work that’s been started there.

Going back and looking, I think, when, you know, every year, students start looking at going to college and thinking about higher education earlier and earlier. When I was – I never thought about it that much until I was in high school and, to be honest, until I was a junior and you start thinking about applying.

Now, kids are thinking about that in middle school. So I think that what we need to start doing is, instead – it’s great that we’re going out to various high schools across the state and trying to get kids in high school to become interested in the University of South Carolina. I think we need to go beyond that. I think we need to go out to middle schools.

And I also think we need to go out in some areas that we may not have identified as essentially feeders for the university to this point. We need to focus more on some rural areas, maybe a few poorer areas, and look at some kids who may be, all right, this kid’s really interested in going to college, but neither of his parents, nobody in his family’s ever been to college.

We need to – we need to try to get that kid into college because then, what we’re doing is, we’re not just continuing a cycle of people just dealing with lower education. We’re going and we’re really lifting people up at that point.

Now, some of that deals with minorities. Some of that deals purely with financial barriers. But sometimes, I think that goes hand in hand. With regard to minorities in particular, and in particular, African-American students, I think we need to do a much better job than what we’ve been doing. I think we do need to be targeting high school and middle schools that are predominantly African American and getting those kids interested in coming to the University of South Carolina.

And beyond that, maybe we need to start looking at giving them some sort of financial incentive to come. If you’re a – if you’re a first-time – if you’re the first member of your family to go to college, you know, maybe there’s a scholarship waiting for you. Maybe, maybe –

SENATOR SCOTT: Would you move outside of the targeting of counties with large African-American populations, even in counties with large majority Caucasian, white population –

MR. STOUDEMIRE: Yes, sir.

SENATOR SCOTT: – to be able to get those students to go – and those students coming back, giving back to your community, also help bridge a lot of that culture gap –

MR. STOUDEMIRE: I agree.

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SENATOR SCOTT: – that exists? People continue to ignore the gap that's out there.

MR. STOUDEMIRE: I agree.

SENATOR SCOTT: Thank you so much.

MR. STOUDEMIRE: Yes, sir.

REPRESENTATIVE KING: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

I just have a comment/question. Would you realize or believe that some students who would like to go to any of the institutions here in South Carolina, not just USC, are sometime prohibited because they cannot pay for the application fee? And they may be applying to multiple colleges –

MR. STOUDEMIRE: Yes, sir.

REPRESENTATIVE KING: – and so they have to prioritize. And so do you – would you believe that some of those students that would like to apply to multiple colleges are unable to because of the application?

MR. STOUDEMIRE: Yes. That would not surprise me. Application fees are one of those things that – let's face it, it's just a money generator. You know, years ago, I think it was – when I applied to University of South Carolina, I want to say it was \$10 to apply to the university.

Harvard – they didn't know me obviously – sent me an application, and their fee was \$50. I didn't waste my \$50 because I wasn't going to Harvard. But now, I cannot imagine – I cannot imagine what the fees are, and what we do is, we put these kids having to come up with this fee before they even think of doing anything else, before they think about scholarships or anything like that.

And a lot of times, you've got application deadlines, and, you know, Mom and Dad are having to make the decision between whether or not we're going to get groceries this week or whether or not Junior's going to apply for – apply for multiple colleges or just put all his eggs in one basket.

REPRESENTATIVE KING: Thank you.

MR. STOUDEMIRE: Yes, sir.

CHAIRMAN SENATOR PEELER: Thank you.

SENATOR ALEXANDER: (Raises hand.)

CHAIRMAN SENATOR PEELER: Senator Alexander. Motion to – Mr. Whitmire has a question. I'm sorry.

REPRESENTATIVE WHITMIRE: Hold that thought, Mr. Alexander.

Welcome, Mr. Stoudemire.

MR. STOUDEMIRE: Thank you, sir.

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REPRESENTATIVE WHITMIRE: I noticed on your ways to improve school, you said build on the alumni base. Would you care to expand on that a little bit?

MR. STOUDEMIRE: Yes. I, I, I think I talked about that a little bit with Representative Davis.

Again, we've got the largest alumni base in my opinion. I think we've got the largest alumni base of any school in the state simply because U of SC is the largest school in the state. You got to bring people back into the fold. It's not enough – like, I've, I've been getting barraged lately with, Update your information from the University of South Carolina, which means, basically, they want me to call, and they want me to give some money.

Which is fine. I understand that, and I understand that the university – there's always going to be a need for money. Whether or not they really want my address or not, who knows? But we've got to bring people back into the fold.

When I talk with graduates from Carolina, to a person, man or woman, they, you know – they can look back and come up with 10 memories off the top of their head of the great time they had at Carolina. So you always bring people back for homecoming and things like that. We need to bring people back into the fold in new and different ways, not just during football season, you know, which is – let's face it – almost a religion in the South, if not a religion.

But in addition to just having people come back in, have people recognize that the business leaders of tomorrow and the education leaders of tomorrow and the legal and medical leaders of tomorrow come from this university. So we need to do a better job with, with putting our self out there to everyone, statewide, if not nationally, to let people know that we are the – among the best of the best. I mean, we've got several colleges that are ranked number one or at – or near number one in the country, and outside of the state of South Carolina, people don't know it sometimes.

REPRESENTATIVE WHITMIRE: You know, you and Emma make me feel awfully old. I remember both of you in middle school, and now you've got college kids and graduates.

MR. STOUDEMIRE: I'm sure that's partly our fault.

REPRESENTATIVE WHITMIRE: I didn't think I was that old, but I believe I am. And your grandmother was my fifth-grade teacher. I don't know if you knew that or not.

MR. STOUDEMIRE: Well, that makes me feel old too.

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REPRESENTATIVE WHITMIRE: Well, that's true, so anyway, thank you very much.

MR. STOUDEMIRE: Thank you.

CHAIRMAN SENATOR PEELER: Senator Alexander moves for a favorable report. Second?

REPRESENTATIVE DAVIS: Second.

CHAIRMAN SENATOR PEELER: Seconded. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous.

Thank you for your willingness to serve.

MR. STOUDEMIRE: Thank you, sir.

WINTHROP UNIVERSITY

CHAIRMAN SENATOR PEELER: Now we move to Winthrop University. We'll go to 2nd Congressional District, Seat 2, John Brazell, Columbia.

MR. BRAZELL: Hello.

CHAIRMAN SENATOR PEELER: If you would, give us your full name for the record.

MR. BRAZELL: John Edward Brazell.

CHAIRMAN SENATOR PEELER: I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BRAZELL: So help me God, yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. BRAZELL: Sorry, I could barely hear you.

CHAIRMAN SENATOR PEELER: I said, would you like to make a brief statement on why you would like to serve on the Winthrop board?

MR. BRAZELL: Well, I graduated from Winthrop back in '93. When I initially attended, starting in '88, there was -- Winthrop was very small, the city of Rock Hill was very small, and over that -- over a period of time, it's grown tremendously, and there are some great things that are going on there.

I think they've had a couple of different presidents that have done a great job to push the campus forward. It's well diversified as far as the, you know, the population there at the school. And athletics, they've increased over the years.

So I just want to give -- an opportunity to give back to what Winthrop did for me all those years ago to help me be successful and give me a great foundation. So when this opportunity came up, I thought it was a

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great chance for me to get involved and, like I said, give back to Winthrop.

CHAIRMAN SENATOR PEELER: Okay. Questions or comments?

Mr. King.

REPRESENTATIVE KING: Thank you.

You said Brazell?

MR. BRAZELL: Brazell, yes.

REPRESENTATIVE KING: Mr. Brazell, what type of relationship do you think Winthrop or any institution should have with the local legislative delegation from that community?

MR. BRAZELL: I think it's important to be close with the community there. You've got to be able to communicate --

REPRESENTATIVE KING: No, no, no, no. The local legislative delegation, the members of the General Assembly that serve that community in which Winthrop resides.

What type of relationship should you have, not the board, but the entire institution with the members who represent York County, where Winthrop is, with their local legislative delegation? What type of relationship do you think they should have?

MR. BRAZELL: Honestly, you're asking me a question -- I've never had any kind of question like that before. I've not dealt with -- in politics before, so I would assume that they would need to work together closely to understand the needs of the area. You know --

REPRESENTATIVE KING: Would you be surprised that Winthrop is in my district and that I have no relationship, not on my -- not because of my not willing to work with Winthrop, but knocking on their doors and asking to be a part of that institution, and year after year, they have ignored me? Would you be surprised about that?

MR. BRAZELL: I would. I mean, do you know a reason why? I mean, was --

REPRESENTATIVE KING: I don't know a reason why. Maybe you can tell me that once you become a board member.

But Winthrop resides in my district, and I've reached out on several occasions to be a part of their community, and they have not been very favorable to me. So if you are elected, I would ask that you work to bridge that gap there.

MR. BRAZELL: Yeah. That's unfortunate, and I would think that anyone that has, you know, insight and that has ideas that could help Winthrop succeed and do better, why would you keep them out versus bringing them in and at least hearing what they have to say and build a relationship.

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REPRESENTATIVE KING: And I appreciate you listening to me.

MR. BRAZELL: Thank you.

REPRESENTATIVE KING: And I asked that question because it seems as if you may be the next member, new member on the board, and while I've made that known to other members, it has fallen on deaf ears, and so maybe you will bridge that gap for me.

MR. BRAZELL: Okay.

REPRESENTATIVE KING: Thank you.

MR. BRAZELL: Yes, sir.

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you, Mr. Chairman.

In your -- Mr. Brazell, in your information that you provided, Winthrop's biggest weakness, low graduation rate. Tell me a little bit about how low it is and what kind of steps you think you as a board member could take to improve that.

MR. BRAZELL: Well, I was very surprised as I did some research just to look at the updated numbers. Winthrop was in, I believe, the 52 percentile on graduation, and they also had people -- it was taking people longer to graduate, maybe around six years.

REPRESENTATIVE CLARY: But would it surprise you to know that most of our -- well, not most -- our colleges and universities in this state and throughout the nation do work on a six-year model?

MR. BRAZELL: Well, I personally worked on a six-year model myself -- actually five years.

But it just surprised me that -- and from what I understand, the longer you're in school, the more debt you're probably taking on. So I would say all institutions probably need to do a better job there, but -- and find out, really, the reason why we're not graduating folks, why they're leaving early, and also find out what's taking them a long time.

I worked through college, so I know that that extended my stay there, but it was -- I still got the education, and I got the diploma. But I also left with some debt that needed to be taken care of.

But I really feel like you just have to -- you have to find out why they're not graduating and address those issues to see if you can get that percentage up because it's -- it's important not to have someone walk away from a school that they've got a ton of debt and they never -- they didn't end up with an education. So...

REPRESENTATIVE CLARY: I certainly don't disagree with that, and also I think that it comes down to a standpoint sometimes -- and maybe you'll figure out if Winthrop has this situation in that classes are not

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always offered on the schedule that those students are in line to take them in their course of study.

So those are things that I would suggest that you take into consideration when you -- when you become a member of that board. Thank you, sir.

MR. BRAZELL: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

REPRESENTATIVE CLARY: Move favorable.

SENATOR SCOTT: Favorable.

CHAIRMAN SENATOR PEELER: The motion is favorable. Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, sir.

MR. BRAZELL: Thank you.

CHAIRMAN SENATOR PEELER: I appreciate your willingness to serve.

Now pending, Winthrop University, 6th Congressional District, Seat 4, Ashlye Wilkerson.

MS. WILKERSON: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, give us your full name.

MS. WILKERSON: Ashlye Victoria Wilkerson.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. WILKERSON: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement.

MS. WILKERSON: Yes. I would like to thank you all for electing me to serve on Winthrop University for the past seven years. It's my alma mater, and so it's an honor for me to serve the institution that poured so much into me. I graduated from Winthrop University in 2005, and it has prepared me for my life journey thus far.

I've had the opportunity to serve alongside my peers on the board. I represent voices that aren't often heard around the table. I'm the most recent graduate on the board. I'm the youngest trustee on the board and the only woman of color on the board. So I bring diversity of thought, and I work really hard to bridge the gap between families, students, and board members.

Thank you so much for having me.

CHAIRMAN SENATOR PEELER: Thank you.

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Questions or comments?

SENATOR SCOTT: Chairman?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Ms. Wilkerson...

MS. WILKERSON: Yes, sir.

SENATOR SCOTT: When will you finish this Ph.D.? Is it May? I think I felt a turmoil.

MS. WILKERSON: Yeah. So --

SENATOR SCOTT: Most of the questions have been -- I see you -- Hampton, 2007, and in 2020, you should finish this Ph.D. program.

MS. WILKERSON: Yes, sir. My husband and I experienced an unforeseen instance when we were carrying our daughter. I almost lost our daughter. I was pre-labor, and I was placed on mandatory medical leave, and I had to take a break from school. And so that delayed my graduation.

And unfortunately when I returned from my mandatory medical break, my advisor was no longer with the university. So not only did my advisor change, my committee changed, and then my committee changed my topic twice. So it delayed the program for me, and I'm finally getting ready to get out of the University of South Carolina with a Ph.D. in teaching and learning.

SENATOR SCOTT: Also -- also, there were some questions as to the financial situation. I know you've sent us some documents.

MS. WILKERSON: Yes, sir.

SENATOR SCOTT: Do you want to explain --

MS. WILKERSON: Yes, sir.

SENATOR SCOTT: -- exactly what these documents are?

MS. WILKERSON: Yes, sir. So the University of South Carolina had my original anticipated graduation date in the system, and it did not update in the system, so they stopped reporting me as a student in the department to my loan service provider.

So that put my loans into active status at \$3,200 a month, and so I had to submit documentation that shows that I am still a student working on my dissertation. And I also had to submit my pay stub that shows that I'm a part-time employee of the university. That pay is roughly \$300 a month for that placement of employment in the College of Education.

So they did update my student loan system. One of the student loans go back into payment status April 5th, 2020, and the other one is September 21st, 2020.

SENATOR SCOTT: Also, there were some questions, 2-28, sales usage of \$706.

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MS. WILKERSON: Yes, sir. It was actually more than that. So our business, they -- it's a painting studio, and they thought we sold wine on the premise, and we do not. It's a bring-your-own studio, so people can bring their beverages in and participate in a paint session.

So they did send an auditor to the site to look at the studio, and I did submit five years' worth of monthly sales, monthly bank statements, and tax payments. The auditor went through every single document, and they showed that we did not sell wine, and we do not owe sales taxes for wine.

They did find, however, that because of one of the vendors that we order from was based in North Carolina, we did have to pay an additional tax outside of the North Carolina tax. So that was squared away on January the 27th. It has been put in good standing, and we pay \$260 a month for that particular tax payment.

SENATOR SCOTT: Thank you.

MS. WILKERSON: Yes, sir.

CHAIRMAN SENATOR PEELER: Mr. King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

Ms. Wilkerson...

MS. WILKERSON: Yes.

REPRESENTATIVE KING: Thank you for your service on the board at Winthrop.

MS. WILKERSON: Yes, sir.

REPRESENTATIVE KING: The same question I asked your soon new colleague, what type of relationship do you feel that Winthrop should have the local legislative delegation?

MS. WILKERSON: I think it's very important for us to have a strong relationship, especially for the delegation where our university resides.

I have expressed that concern to my fellow board members, as well as the sitting president, for us to further develop and enhance those relationships, to reach across the aisle a little more frequently, to extend more invitations, and to make you all welcome -- feel welcome more so on our campus and through activities.

REPRESENTATIVE KING: And I think you and I have had that conversation --

MS. WILKERSON: Yes, sir.

REPRESENTATIVE KING: -- ever since you have been elected.

MS. WILKERSON: Yes, sir.

REPRESENTATIVE KING: My next question is -- and I've had this conversation with you before as well. What are you doing on the board to -- while Winthrop is known for the number of students of color --

MS. WILKERSON: Yes, sir.

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REPRESENTATIVE KING: -- at their school -- I believe you all have one of the highest numbers in --

MS. WILKERSON: Yes, sir, and our current freshman class, it's the first time it's 51 percent. Yes, sir.

REPRESENTATIVE KING: And with that being said, as you know, I live in Rock Hill and live in the community and am very active in my community. When I speak with Winthrop students that are black, I ask them in reference to their instructors, and I find that some have never experienced one African-American instructor or one at most out of their four years there.

What are you all doing to increase the number of African-American instructors on campus, and what are you doing for the African-American instructors that you all have there as adjunct instructors to have them move into full -- full-time status as full instructors on campus? What are you doing in your work as a board member?

MS. WILKERSON: Yes, sir. So I took notice of that when I first entered the board position seven years ago, and over the course of that time, we've developed several different layers to address that issue.

First and foremost, we made it a part of the evaluation of the president. And so at the end of the day, the board sets the policy, the governing policy for the university, and if we don't have a way to evaluate that the president is actually addressing that concern, then it's hard to implement that.

So we made that a part of the evaluation, and in that, we have increased diversity in staffing and hiring practices. We have senior-level members of color now, which was not there before. We have an African-American woman vice president. We did not have any members on the senior team that was of color.

And then we've also increased employment, and we started by announcing vacancies in areas of diversity and so utilizing magazine subscriptions where that's the -- the base of consumers is where we put those postings now so that we have a diverse reach and that our audience is diverse when they receive the information.

REPRESENTATIVE KING: Thank you.

MS. WILKERSON: Yes, sir.

CHAIRMAN SENATOR PEELER: Mr. Clary.

REPRESENTATIVE CLARY: Ms. Wilkerson, now that you've been on the board for the period of time that you have, could you tell me what kind of training you have received from your earliest days as a member of the board of trustees up through the present time?

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MS. WILKERSON: Yes, sir. We have received in-house training, retreats, orientations, informational sessions. We've also received a membership to the Trusteeship magazine, and with that, each trustee receives that magazine, and we're able to stay abreast on national trends and issues in higher ed.

We also receive invitations to attend conferences. Me personally, I would like to see more support in that regard for trustees to be able to attend conferences. As of now, there isn't a mechanism that supports trustees going out of their own university to receive training.

Me personally, I've done a lot of research because of my trade and finishing a research Ph.D. I've done a lot of research, and I've purchased books and magazines to help further prepare me. But I would like to see more of that for the board as a whole.

REPRESENTATIVE CLARY: And insofar as board decisions, as they are made, do you have any perspective that you can offer from the standpoint of discussion, disagreement when these policy decisions are made, how that -- how you're able to articulate that, and what view do you -- how do you view the board and its relationship with the administration?

MS. WILKERSON: So the board has had a series of changes and what I refer to as growing pains.

When I first entered the position seven years ago, we were transitioning from having a president that was there for 20-plus years. And so in that, the board has changed a little bit with retirement of trustees, the transition of new trustees, as well as the changes of hiring three different presidents for the university.

So because of that, we've had to learn how to navigate the terrain together. And we've been very vocal. We're also very welcoming to hearing everyone's input and ideas. Even though we do have a chair and a vice chair of the board, we also have an executive team of the board. All members of the board are informed and notified and are invited to participate in discussions on a committee level as well as a full board level.

And then in addition to that, our committee representative reports to the full board with a -- with a recap of what took place in their committee so that the full board is aware and knowledgeable of what's taken place in every facet of the board.

REPRESENTATIVE CLARY: So my final question to you would be is the board merely a rubber stamp of what the chairman and/or the president wishes to be the direction of the university?

MS. WILKERSON: It is not.

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REPRESENTATIVE CLARY: Thank you, ma'am.

CHAIRMAN SENATOR PEELER: Anyone else?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And it's good to see you this afternoon.

MS. WILKERSON: Good to see you too.

SENATOR ALEXANDER: I appreciate your service.

What has been the greatest experience for you being on the Winthrop board --

MS. WILKERSON: You know --

SENATOR ALEXANDER: -- and serving as a board member?

MS. WILKERSON: The fact that it's an extension for me. When I was a student there, I served as a university ambassador, and it was an honor to be able to guide parents for their first, initial contact with the university.

And I've had that opportunity to do that same thing as a trustee.

Just recently I ran into someone, and they said, Thank you, thank you, thank you; it's because of you that my son decided to go to Winthrop University, and he is thoroughly enjoying his first year there.

And so with that, I have the opportunity to speak directly to future students and students and their parents. Just this past Friday, I served as the speaker for the multicultural prospective students' luncheon, and I shared an invitation for them to join our community of learners too. I imparted on them that our motto is to leave the world a better place. I invited them to come and help make Winthrop even better so that we can continue to leave our mark on the state and beyond.

And so those opportunities -- also bridging the gap while on the board. I worked with the Council of Student Leaders to develop Winthrop Day at the State House. That was not done prior to me getting on the board, so I was able to be instrumental in that process as well.

And then I've also continued to work with the Winthrop alumni admissions volunteers, which is something that the board was not aware that the university had. So I've been able to kind of bridge that gap and inform the board of ways that they can get involved as recruiters officially, bringing students to Winthrop University and growing our community.

SENATOR ALEXANDER: Good. Just one other thing.

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

So I heard the discussion with the Senator from Richland here, Senator Scott, and I commend you for getting your other degree -- working on

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your other degree, and I certainly understand health issues. So are all of those things outlined that we have -- are they in good standing now --

MS. WILKERSON: Yes, sir.

SENATOR ALEXANDER: -- or where -- where are the -- there's -- have you been notified by the agencies that everything is --

MS. WILKERSON: Yes, sir.

SENATOR ALEXANDER: -- satisfied?

MS. WILKERSON: Yes, sir, I have, and I did -- I do have proof of notification. They're all in good standing, yes, sir.

SENATOR ALEXANDER: And "in good standing," does that mean they're current, or does that mean they've been satisfied completely, or what does that mean?

MS. WILKERSON: Some are satisfied completely, and others are current.

SENATOR ALEXANDER: And I think you say that on the -- on your business --

MS. WILKERSON: Yes, sir.

SENATOR ALEXANDER: -- that you all have that you don't sell alcohol. So you don't have an alcohol license?

MS. WILKERSON: We don't need one because -- well --

SENATOR ALEXANDER: Because it's --

MS. WILKERSON: But they thought we needed one, essentially, is what the issue was. They thought that we needed an alcohol license because the name of the company has the word wine in it, so they thought we sold wine, and so they thought we needed an alcohol license.

And once they sent an auditor on-site, they were able to get the confirmation that they needed.

SENATOR ALEXANDER: And when did they send the auditor on-site? Has that been recently?

MS. WILKERSON: Yes, sir -- well, it was right before the Christmas holiday, and then I met with -- the last meeting with the Department of Revenue was on January the 27th, and they were able to close the file.

SENATOR ALEXANDER: So does that close the file on sales and use tax, or is that a different issue?

MS. WILKERSON: Well, they were able to close the file that we do not need the sales and use tax because we don't sell wine or alcoholic beverages.

And they were able to identify that the only thing that was old on the account was for the merchandise or the supplies that were purchased from a North Carolina vendor. They said that even though it was purchased in North Carolina, you still have to pay the difference or an

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additional tax for South Carolina. And so they were able to give me that total amount, and then that was the decision for that.

SENATOR ALEXANDER: And so that was January when?

MS. WILKERSON: 27th, 2020.

CHAIRMAN SENATOR PEELER: I have --

MS. WILKERSON: Yes, sir.

CHAIRMAN SENATOR PEELER: So let's revisit your finances here. Four outstanding liens unsatisfied as of January 31st, 2020. Is that -- those four and then two more, 2-28-19 and 12-31-18, sales and use tax, is that what you're talking about, the line --

MS. WILKERSON: Yes, sir, and it's right here. And I have the date for January 27th, and they have that we owe \$216 a month, and we made our first payment in January, the 27th.

CHAIRMAN SENATOR PEELER: Okay. Now let's get to your credit reports and student loans. You have a loan of \$115,095; is that correct?

MS. WILKERSON: Yes, sir.

CHAIRMAN SENATOR PEELER: And according to our records, the student loans were sent to a collection account. It said the loans are in default. You say they're not now?

MS. WILKERSON: No, sir. I have a statement right here that has the past-due balance of zero dollars and that my student loan date is 4-5-2020, is when it comes -- when it has to be -- start paying on it.

CHAIRMAN SENATOR PEELER: Do you have an additional loan for your Ph.D. program at USC? Is that something different?

MS. WILKERSON: So it's all combined. So they did it in two separate categories. They have one category for student loans for undergraduate and graduate. Then they have another category for Ph.D. work.

CHAIRMAN SENATOR PEELER: So are you borrowing money to go to that program or not?

MS. WILKERSON: Not anymore, no, sir.

CHAIRMAN SENATOR PEELER: Not anymore. And your student loans are now up-to-date?

MS. WILKERSON: Yes, sir.

CHAIRMAN SENATOR PEELER: And you have a payment program?

MS. WILKERSON: Yes, sir. Well, it doesn't start until 4-5-2020. Yes, sir.

CHAIRMAN SENATOR PEELER: Are you okay with that much debt?

MS. WILKERSON: Do I want that much debt?

CHAIRMAN SENATOR PEELER: No. Are you going to be able to carry it?

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MS. WILKERSON: No, I do not. Yes, sir, I will. So the average -- once I -- once I finish my degree, the average income for Ph.D.-ers are 65- to 72,000 a year.

CHAIRMAN SENATOR PEELER: One last question. Rent, where do you rent -- what's your address? What's your current address?

MS. WILKERSON: I have a permanent address, which is 705 Sunset Drive, and then a renter's address is 30 -- 3501 Lyles. Both of them are in Richland County. Both of them are in Congressional District 6.

CHAIRMAN SENATOR PEELER: You're okay with your finances?

MS. WILKERSON: I am, yes, sir.

CHAIRMAN SENATOR PEELER: You're going to be able to stay afloat?

MS. WILKERSON: Yes, sir. Yes, sir.

CHAIRMAN SENATOR PEELER: Any other questions? What's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, all in favor, raise your right hand.

Thank you for your willingness to serve and getting to work out there and pay off those loans.

MS. WILKERSON: I know. I'm so ready to graduate. You'll get an invitation.

CHAIRMAN SENATOR PEELER: I'll suggest Representative King be the keynote speaker.

SENATOR SCOTT: Mr. Chairman?

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: And in the middle of all that, are you working on another children's book? I know you and your husband write children's books.

MS. WILKERSON: Yes, sir, we write --

SENATOR SCOTT: They spend their time giving back to our community.

MS. WILKERSON: Yes, sir, we both -- this is my husband. He came for moral support. We both write children's books. I'm working on my fifth one. He's working on his fourth one. And we've done extensive work within the state of South Carolina with early childhood literacy.

SENATOR SCOTT: Thank you so much.

MS. WILKERSON: Yes, sir.

Thank you all.

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CHAIRMAN SENATOR PEELER: Thank you.

CHAIRMAN SENATOR PEELER: We'll crank back up. Winthrop University, Tab S, Randall Imler from Tega Cay.

MR. IMLER: Yes, sir.

CHAIRMAN SENATOR PEELER: Seat 9. For the record, if you would, give us your full name.

MR. IMLER: James Randall Imler.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. IMLER: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. IMLER: I would. Mr. Chairman and members of the committee, thank you for the opportunity to come here today. I have served as a Winthrop trustee since 2014 and have chaired the committee on finance since 2016. I've also had the opportunity to serve on six of the seven board committees.

In doing so, I've learned much about the institution and the competitive landscape of higher ed in South Carolina. And hopefully, I've been able to help the university throughout my first term.

I believe the university has made progress over the past six years, without unrestricted net position increasing by over a hundred percent to \$22 million when you take out the state's unfunded pension and OPEB liabilities. We've also retired over \$40 million in institutional debt during that time.

The budget process has been transformed and is more transparent, and stakeholders and the board of trustees are able to assess and evaluate all components of our financial statements and our statement of net position.

Much work remains, however, in two key areas, and that would be enrollment growth and deferred building maintenance. The area of the state in which Winthrop is fortunate to be located has experienced dynamic population growth, and one of the opportunities for Winthrop is to capture its share of graduating high school seniors from high-growth counties around the region.

Winthrop's online graduate education programs are growing rapidly as well. These online programs are augmenting our residential masters programs, and according to the 2019 South Carolina Commission on Higher Ed -- of Higher Education Statistical Abstract, Winthrop has the highest number of masters students of any comprehensive teaching institution in the state.

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Winthrop certainly appreciates the steps that the Legislature and the governor are taking to support higher education through the budget and through the allocation of additional financial resources. With that support, we will do our part to curtail the inflation of cost for a Winthrop degree.

We do face continuing challenges in the areas of deferred building maintenance, as do many of our peer institutions. Again, the Legislature's recognition of this issue and additional funding to pay for deferred maintenance on university buildings is greatly needed and greatly appreciated. Roofs, electrical systems, and boilers are not exciting things, but they sure are important in the life of an institution.

I'm seeking a second term because I appreciate and want to preserve and enhance the value that Winthrop brings to our community, our region, and our state. The university is an economic anchor, and as such, deserves the commitment of all its stakeholders -- the board of trustees, faculty and staff, students, and alumni, of which I am one -- to position her for continued service to students and citizens throughout South Carolina and the nation.

I'm happy to take any questions you might have.

CHAIRMAN SENATOR PEELER: Questions or comments?

REPRESENTATIVE CLARY: (Raises hand.)

CHAIRMAN SENATOR PEELER: Representative Clary.

REPRESENTATIVE CLARY: Thank you very much, Mr. Imler, for your service and for being here today. In looking at your responses, I guess it's no surprise that you're in a period of transition now that your president has announced that he is going elsewhere. And you pointed out some areas of flat enrollment for ten years, small endowment, searching for a new president.

As a board member, what kind of strategic -- do you have a strategic plan that you're operating under? Now, I know when you get a new president, you'll probably have another one, but tell me what you're doing to address these issues, because you've had a lot of -- a lot of movement over there in the last few years.

MR. IMLER: Sure. When Dr. Mahoney came, he set in place the Winthrop Plan, which takes the institution through 2025. We are operating under that strategic plan.

The board of trustees has hired an interim president, Dr. George Hynd. Dr. Hynd served as provost at the College of Charleston and also as president of Oakland University in Michigan.

Dr. Hynd's interim tenure is strategically pegged at being over two years, which is a long tenure for an interim. But the university is entering

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in its SACS reaccreditation process, which is about an 18-month process, and so the board felt it was prudent to have a long-term interim in place and gives the trustees an opportunity to think strategically, to your point, about what is necessary for the institution as we search for a long-term, permanent president.

REPRESENTATIVE CLARY: You know, I look at your background. You have an unusual background for your vocation now. Did you ever have that guy by the name of Bill Malambri when you were over at Winthrop?

MR. IMLER: I do know Dr. Malambri.

REPRESENTATIVE CLARY: Well, God bless you. He's a good friend of mine.

MR. IMLER: He's actually played golf with my father quite a bit.

CHAIRMAN SENATOR PEELER: Anyone else? Desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Favorable.

MS. CASTO: Senator Scott has a question.

CHAIRMAN SENATOR PEELER: Oh, Senator Scott. I thought he was moving.

Senator Scott.

SENATOR SCOTT: Yes, sir.

CHAIRMAN SENATOR PEELER: Question.

SENATOR SCOTT: Thank you. Thank you for your willingness to serve. Tell me a little bit about the diversity plan up to Winthrop and what are you doing to recruit students and costs associated with tuition.

MR. IMLER: Senator, I'm pleased to say that we are one of, if not the most, diverse institutions in the state. We have a minority enrollment that tops 40 percent.

SENATOR SCOTT: Okay.

MR. IMLER: Our freshman class last year, over 50 percent were considered minority students.

Regarding costs --

SENATOR SCOTT: Tuition.

MR. IMLER: Yes, sir. The board held tuition increase to less than -- or to a half a percent last year, and in the preceding four years, to around 2 1/2 percent each year. We do recognize we are one of the higher tuition -- in-state tuition institutions in the state, and the board has worked to address this over the years, and that's why, as other institutions have had higher increases, we've had lower increases.

SENATOR SCOTT: So most of your students live within the area?

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MR. IMLER: No, it's -- about 87 percent are in-state students. We do have a --

SENATOR SCOTT: What about region? What about within your region?

MR. IMLER: We do have a concentration of students within what I'll say -- the Chester, Lancaster --

SENATOR SCOTT: Right.

MR. IMLER: -- York County area, but we have students from all over the state; a lot from Columbia, a lot from Charleston, a lot from the Upstate.

SENATOR SCOTT: Okay. Thank you.

CHAIRMAN SENATOR PEELER: Thank you.

Anyone else?

(Motion for a favorable report.)

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Motion is favorable. Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand. Unanimous. Thank you, sir.

MR. IMLER: Thank you. Appreciate your time.

WIL LOU GRAY OPPORTUNITY SCHOOL

CHAIRMAN SENATOR PEELER: Wil Lou Gray Opportunity School, At-Large. The first is Doris Adams from Columbia.

MS. ADAMS: Yes.

CHAIRMAN SENATOR PEELER: How do you do, ma'am?

MS. ADAMS: Hello.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name, ma'am.

MS. ADAMS: Doris McBride Adams.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. ADAMS: Yes, sir.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. ADAMS: Yes.

It is an honor as well as a pleasure serving on the Wil Lou Gray Opportunity School board. In keeping with Dr. Wil Lou Gray's motto, "Why stop learning," we're committed to serving and motivating at-risk students of South Carolina into becoming productive, employable young adults through academic and vocational coursework.

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And guess what? The school started in 1921. In 2021, we'll be what? One hundred years old. We'll have our 100th anniversary. And it has been a pleasure serving on the board and helping our students.

CHAIRMAN SENATOR PEELER: Good. Questions or comments?

Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Ms. Adams, welcome today.

MS. ADAMS: Thank you.

REPRESENTATIVE WHITMIRE: My subcommittee in Ways and Means gets the opportunity to listen to the Wil Lou Gray story, and I just wanted to tell you and I want to tell the other candidates, it's just refreshing to have a school like that that has -- I think has stepped up and probably saved a lot of children --

MS. ADAMS: Yes.

REPRESENTATIVE WHITMIRE: -- that would have gone the wrong way if they hadn't offered that military and some discipline in their lives.

MS. ADAMS: Yes.

REPRESENTATIVE WHITMIRE: And they shared with me how many of the students go on and are successful in life, and so I just want to personally thank you for your service and for the school.

MS. ADAMS: Thank you, and I'd like to -- I brought this letter along because we're always receiving letters and information about our students. It says, my name is Darion Lord (phonetic), and I am from Irmo, South Carolina. I attended Dutch Fork High School for approximately one year before I disenrolled and chose to come to Wil Lou Gray.

Even though I knew I had leadership qualities, I chose to ignore them, and I became a follower. Then I was following -- the people that I was following were not the right ones. They were leading me down a path my grandmother had not set out for me to go down.

I eventually moved in with my grandparents and soon after started Wil Lou Gray Opportunity School. Before I came here, I only had one goal, which was only to get my GED. I quickly realized that I needed much more than that.

Aside from my GED, I found out that I needed discipline. Discipline is what is going to allow me to use my GED in the future. Without discipline, my GED will be useless.

Wil Lou Gray has helped instill the quality in myself and other cadets with the distinct military structure of the school, which I have learned to appreciate. I've been using my skills, becoming more of a leader, by leading by example and by being vocal while serving as my classmates'

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platoon sergeant. I am very grateful for Wil Lou Gray since I've been here.

And these are the kinds of letters that we receive from our students.

CHAIRMAN SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Mr. Chair, more than 55 years ago, I met this lady. I guess I was a third grader or fourth grader. And I can tell you, she has spent her entire life in education.

And I want to commend you, Ms. McBride Adams, for all the many years, and still at the latter part of your career, you're still working to help these children. Thank you so much for your service. You're a true South Carolinian.

MS. ADAMS: Thank you.

SENATOR SCOTT: And we really appreciate your hard work.

So at the appropriate time, I move for a favorable report.

CHAIRMAN SENATOR PEELER: Did he behave in the third grade?

MS. ADAMS: Did he behave?

CHAIRMAN SENATOR PEELER: Yes, ma'am.

MS. ADAMS: Oh, he was an excellent student.

CHAIRMAN SENATOR PEELER: How'd you get him to hush? I can't get him to hush.

Senator Alexander.

SENATOR ALEXANDER: She'll give you some pointers maybe later on.

And thank you, and please share those with us.

A couple of things. I really wanted to talk to you and ask you about the weakness, but I just wanted to point out that their biggest strength is its board of trustees and director. So I think that was a -- that's worth noting from that standpoint.

But the weakness, constant staff turnover, how are you -- I mean, I think that's something we're seeing statewide. Is there any initiative that y'all are doing to try to address the turnover rate?

MS. ADAMS: Well, with the Education Oversight Committee, we have meetings with them during the year, and we give the input about that during that time.

SENATOR ALEXANDER: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Favorable report. Do you second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

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Thank you so much, ma'am.

MS. ADAMS: Thank you too, sir.

CHAIRMAN SENATOR PEELER: Next, Bryan England, Georgetown, Wil Lou Gray Opportunity School.

Good afternoon, sir.

MR. ENGLAND: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, if you would, give us your full name.

MR. ENGLAND: My full name is Bryan Benson England, Jr.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. ENGLAND: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a statement?

MR. ENGLAND: Yes, sir.

I've been on the board for around 20 years, and I've seen Wil Lou Gray make great strides. I remember when I first considered trying to be on this board, and I looked around at the different boards that I might apply for. But the one that appealed to me the most was Wil Lou Gray. And the reason it did is because I really deeply believe in what they do. And I believe we've served this state well, and we will continue to do so.

As all of y'all know, there's a lot of at-risk kids in this state, and thankfully, we're able to offer an opportunity to them to bring some discipline to them, give them an educational opportunity, and give them a chance to turn their life around.

I guess the thing that probably gives me the greatest satisfaction is maybe a young man will come up to me and my -- see my car at the car wash, and he'll notice that I'm on the Wil Lou Gray board, and he'll say, I went there, and I'm glad I did, and today I'm doing this, or I'm doing that. And I knew that -- I could tell that he'd benefitted from the experience and that it'd changed his life. And that's what I think we're all about.

CHAIRMAN SENATOR PEELER: Questions or comments? Well, what's the desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Second?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any other discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, sir. Thank you so much for your service.

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Next, Reginald Thomas, Spartanburg.

Good afternoon, sir.

MR. THOMAS: Good afternoon.

CHAIRMAN SENATOR PEELER: For the record, give us your full name, sir.

MR. THOMAS: Reginald Jason Thomas.

CHAIRMAN SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. THOMAS: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. THOMAS: Yes, sir.

For 30 years, I was the program director directing the operations for Spartanburg city and county parks and recreation department. It gave me the opportunity to really work with youth, teens, and young adults, and retiring eight years ago, I continue my work throughout the city and county doing the same thing.

And then having the opportunity to come almost four years ago to be a trustee at Wil Lou Gray gave me the opportunity to continue there, to see -- to help young people become productive citizens. When they're going down the wrong path, then it gives them the opportunity to change their lives. It's just an honor and a blessing to me to be able to serve and continuing to serve in that capacity.

CHAIRMAN SENATOR PEELER: Thank you so much.

Questions or comments? Desire of the committee?

(Motion for a favorable report.)

CHAIRMAN SENATOR PEELER: Motion favorable. Seconded?

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Any discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you so much, sir.

MR. THOMAS: Thank you. Y'all have a blessed day. May I say --

CHAIRMAN SENATOR PEELER: Certainly.

MR. THOMAS: If you haven't gone out to the school, we surely invite you to come and go and see how -- the wonderful job the administration and the staff, as well as the good jobs that the -- the young adults are doing there. I think you'll be very impressed if you go.

CHAIRMAN SENATOR PEELER: Thank you, sir.

MR. THOMAS: Thank you, and we appreciate your support.

CHAIRMAN SENATOR PEELER: Next, Kimberly Suber, Chapin.

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Good afternoon, ma'am. For the record, give us your full name.

MS. SUBER: Kimberly L. Suber.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. SUBER: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MS. SUBER: I would.

I see everybody is looking at counties, and I've come from different counties. I was born in Chester County, lived in Fairfield County in the Blair community, grew up in Pomaria, and now I'm in Chapin.

So I have been in education for 17 years and spent 3 years as a social worker. And during that time, I have learned that we have to provide challenges -- provide opportunities for kids, especially with at-risk youth.

I have served as a secondary administrator. I have also helped place children at Wil Lou Gray for that second opportunity, so I'm a believer in second chances.

My son, who is now a grad -- he's graduating in 2020, in May, from The Citadel -- was once an alternative school student, so I'm very proud of that, how he was able to overcome that. And those success stories are things that can inspire others, and I think that's where I -- that's why I have a passion for alternative schools.

So recently, my recent job now is in Richland One School District where I had to create an alternative school for kindergarten through fifth grade. And at this time, we have two sites. We have a site that's at Hyatt Park Elementary, and we also have a site that's at Horrell Hill Elementary.

I think the problem is -- now is that the social-emotional learning is what our children need now. And being able to provide that for students who don't have an opportunity to go to Wil Lou Gray would be an excellent opportunity to stand on what Wil Lou Gray already has.

CHAIRMAN SENATOR PEELER: Questions or comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good afternoon, and thank you for your willingness to serve.

Did I understand that in your role in education you've had the opportunity to recommend students to be students at Wil Lou Gray?

MS. SUBER: Yes. Yes, sir. I've had students that were recommended that attended, and I've had students that, because they did not want to attend, those students ended up on "Live PD."

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And I think that's one change that I want to see, where the parents are supported more, because at Wil Lou Gray, if the student's not interested in going, then they can't go. And at 16 years old -- as a mother, as a single parent myself, I just don't think a 16-year-old can make that decision. I think we should do some probationary things to get those kids in and possibly save them also.

SENATOR ALEXANDER: And it's my understanding from your comments that your son had also been a --

MS. SUBER: Yes, my son was in an alternative school. He'd made a mistake, got a second chance. Ended up being a stand-out football player at Chapin High School. He's now at The Citadel. He's on the President's List. He's Gold Star. He's done so many different things, and I'm proud of him.

SENATOR ALEXANDER: I was getting ready to say I'm sure you're proud of him.

MS. SUBER: Yes. And I have one more. I just did his IGP meeting this morning. So he's -- he'll -- he's in ninth grade and will finish up Eagle Scout by this summer.

SENATOR ALEXANDER: Wow.

MS. SUBER: Yeah.

SENATOR ALEXANDER: Congratulations.

MS. SUBER: Thank you.

CHAIRMAN SENATOR PEELER: Anyone else?

Ms. Davis.

REPRESENTATIVE DAVIS: Thank you, Mr. Chairman.

I believe you mentioned that you are currently starting alternative schools --

MS. SUBER: Yes.

REPRESENTATIVE DAVIS: -- for K through fifth grade. Did I hear you correctly on that?

MS. SUBER: Yes, that is -- that is correct.

REPRESENTATIVE DAVIS: So if you don't mind just explaining a little about what you're doing there. I mean, I'm surprised that we need alternative school --

MS. SUBER: We do.

REPRESENTATIVE DAVIS: -- for K through fifth grade. So if you would just educate me a little bit on what you're doing there, I would appreciate that.

MS. SUBER: So with K -- Richland One came to a place where we were having so many hearing boards, hearing boards on K-5 students. And

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believe it or not, a K-5 student could probably tear this whole room up if they are having an episode.

So what we did was we decided that we needed to provide an intervention, and that intervention is a smaller classroom. It's more on a Tier 3 basis where we implement counseling, mental health. We also work with the parents and make the parents accountable.

So through that, we're doing it as -- their motto is "Together we will." We do it as a team effort. So within those 45 days that they are placed with us, we work with them intentionally on social-emotional learning, and that improves academic motivation once you tap into that. Because we have to realize that the children from 17 years old -- 17 years ago are not the same as the children now because they have so many adverse childhood experiences that we never experienced.

REPRESENTATIVE DAVIS: So I just have a follow-up to that.

MS. SUBER: Go ahead.

REPRESENTATIVE DAVIS: Then -- so are you seeing success with that program? How long has that program been in existence?

MS. SUBER: This program has been -- it's going in its third year. We have been successful. The state department has come and looked at us as a model school.

Right now some of the things that I've implemented, we are taking it into the regular schools, so transforming schools. I just worked with a full school staff -- I'm still working with them now -- within our district. So they're taking that model and trying to implement it in the schools now.

REPRESENTATIVE DAVIS: Good. Thank you for your work on that. I appreciate that.

MS. SUBER: Thank you.

CHAIRMAN SENATOR PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

Ms. Suber...

MS. SUBER: Yes.

REPRESENTATIVE KING: I am a native of Chester, South Carolina, as well, as you know. I just want to say I'm so proud --

MS. SUBER: Thank you.

REPRESENTATIVE KING: -- of your success, but more importantly proud of who you are as a mother and what you have done with your sons.

MS. SUBER: Thank you.

REPRESENTATIVE KING: So I wish you much success with that.

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Can you tell me -- can you tell me what you feel is -- and you may have already said this -- the weakness and strength of Wil Lou Gray?

MS. SUBER: I would say the strength is that they already have a process in place. I think that you can always add as the times change.

One thing as an administrator that I've noticed that was an issue was I had children who were very intelligent in Fairfield County, but because they didn't want to make that decision to go, they were denied -- of attending. And I think sometimes you have to push a child. My son didn't want to go to The Citadel, but I pushed him and said, No, that's where you're going because you need discipline.

REPRESENTATIVE KING: Well, thank you for your willingness to serve.

CHAIRMAN SENATOR PEELER: Anyone else? What's the desire?

REPRESENTATIVE KING: Favorable report.

CHAIRMAN SENATOR PEELER: Favorable.

(Motion is seconded.)

CHAIRMAN SENATOR PEELER: Second. Discussion? Hearing none, we'll take it to a vote. All in favor, raise your right hand.

Thank you, ma'am. Thank you so much.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator HEMBREE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Allen O. "A.O." Hardee of Little River, S.C. Mr. Hardee was the founder of A.O. Hardee & Sons Construction Inc. During the 64 years they were in operation, they were responsible for thousands of projects along the Grand Strand. Allen was a lifelong member of El Bethel Primitive Baptist Church. He enjoyed spending time with his family, fishing and had a passion for cars. Allen was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senators SETZLER, ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, GROOMS, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, LOFTIS, MALLOY, MARTIN, MASSEY, JOHN MATTHEWS, McELVEEN, McLEOD, NICHOLSON, PEELER, RANKIN, REESE, RICE, SABB, SCOTT, SENN, SHEALY, SHEHEEN, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Jessierine Davis Bright of Walterboro, S.C. Ms. Bright was the mother of our beloved Senator Margie Bright-Matthews. She enjoyed traveling around the world and spending time with her family and spoiling her grandchildren. Ms. Bright was the mother of Isaiah United Methodist Church. Ms. Bright was a loving mother and devoted grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of all the South Carolina citizens who have lost their lives due to the COVID-19 virus. The South Carolina Senate would also like to thank the first responders and medical teams who worked with and supported these loved ones during their illnesses. Our thoughts and prayers will continue to be with the friends and families of these great South Carolinians.

ADJOURNMENT

At 7:47 P.M., on motion of Senator MASSEY, the Senate adjourned under the provisions of Rule 1B.

* * *

Wednesday, May 13, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McELVEEN. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

COMMUNICATION

First Congressional District



May 13, 2020

The Honorable Jeffrey S. Gossett
Clerk of the S. C. Senate
Gressette Building
Columbia, S.C. 29201

The Honorable Charles F. Reid
Clerk of the S. C. House
Blatt Building
Columbia, S.C. 29201

Gentlemen,

Pursuant to Section 57-1-325 et. seq., members of the House and members Senate representing the 1st Congressional District met at 11:00 a.m. on Wednesday, May 13, 2020 in the Third Floor Conference Room of the State House in Columbia. By majority vote of the House and majority vote of the Senate, members voted to approve the gubernatorial nomination of Mr. Robert D. Robbins as commissioner to represent the 1st District on the S.C. Department of Transportation Commission.

WEDNESDAY, MAY 13, 2020

Statewide Appointment

Reappointment, South Carolina Department of Transportation
Commission, with the term commencing February 15, 2020, and to
expire February 15, 2024

1st Congressional District

Mr. Robert D. Robbins, 107 Glen Abbey Drive, Summerville, SC
29483

This letter is sent for your information with a request that it be
published in the journal of both houses as soon as possible. If you have
any questions, please do not hesitate to contact me.

Sincerely,



Larry Grooms
Chairman, First Congressional District Delegation

cc: The Honorable Henry D. McMaster

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1221 -- Senator J. Matthews: A CONCURRENT RESOLUTION
TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME
THE PORTION OF SOUTH CAROLINA HIGHWAY 210 IN
ORANGEBURG COUNTY FROM ITS INTERSECTION WITH
CATTLE CREEK ROAD TO THE BOWMAN TOWN LIMIT
"ARTHUR J. GLOVER MEMORIAL HIGHWAY" AND ERECT
APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF
HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the
Committee on Transportation.

S. 1222 -- Senator J. Matthews: A CONCURRENT RESOLUTION
TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME
THE PORTION OF UNITED STATES HIGHWAY 78 IN
ORANGEBURG COUNTY FROM ITS INTERSECTION WITH
UNITED STATES HIGHWAY 21 IN THE TOWN OF
BRANCHVILLE TO THE ORANGEBURG/DORCHESTER

WEDNESDAY, MAY 13, 2020

COUNTY LINE "BETTY HENDERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills and Resolutions were read the third time and ordered sent to the House of Representatives:

S. 1048 -- Senators Rice, Rankin, Campbell and Alexander: A BILL TO AMEND SECTION 13-1-1030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERS SERVING ON THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT A RESIDENT COMMISSION MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS; AND TO AMEND SECTION 13-1-1050, RELATING TO THE TERMS OF THE AERONAUTICS COMMISSION, SO AS TO MAKE CONFORMING CHANGES.

S. 1068 -- Senator Campsen: A BILL TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

S. 891 -- Senator Shealy: A BILL TO AMEND SECTION 61-4-90(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF BEER OR WINE FOR UNDERAGE PERSON'S CONSUMPTION, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO AMEND SECTION 61-6-4070(A), RELATING TO THE

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TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON'S PARENTAL CONSENT; TO REPEAL SECTION 61-4-100, RELATING TO CRIMINAL CHARGES BROUGHT AGAINST BOTH A SELLER AND PURCHASER; AND TO REPEAL SECTION 61-6-4085, RELATING TO CHARGES AGAINST A SELLER AND MINOR PURCHASER.

S. 922 -- Senator Climer: A BILL TO AMEND THE 1976 SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58-27-1060, SO AS TO PROVIDE WHEN A PERSON OR CORPORATION USING AN ELECTRIC VEHICLE CHARGING STATION IS NOT AN ELECTRIC UTILITY, AND TO FURTHER PROVIDE THAT ANY INCREASE IN CUSTOMER DEMAND OR ENERGY CONSUMPTION ASSOCIATED WITH TRANSPORTATION ELECTRIFICATION SHALL NOT CONSTITUTE REVENUES FOR AN ELECTRICAL UTILITY.

S. 987 -- Senator Hembree: A BILL TO AMEND SECTION 23-35-175, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCHARGE OF FIREWORKS AND CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "FIREWORKS PROHIBITED ZONE" TO INCLUDE ANY PUBLIC BEACH OR PUBLIC BEACH ACCESS.

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-

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DISTILLERIES TO OBTAIN MICRO-DISTILLERY FESTIVAL PERMITS IN ACCORDANCE WITH SECTION 61-4-555.

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

S. 1115 -- Senators Cromer and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL

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INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL OFFICER" AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE'S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS

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AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR

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MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTER 12 OF TITLE 34 RELATING TO COUNTY AND MULTI-COUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

S. 1167 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO E-FILING AND E-SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4879, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 753 -- Senators Gambrell and Cash: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

S. 1020 -- Senator Climer: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD THE CRESCENT AND HANDS MILL VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY

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BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

S. 1045 -- Senator Goldfinch: A BILL TO AMEND SECTION 7-7-270(B), AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

S. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

S. 163 -- Senator Bennett: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 148, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AIR MEDAL" SPECIAL LICENSE PLATES.

READ THE SECOND TIME

S. 1212 -- Senators Cromer, Sabb, Davis and Kimpson: A JOINT RESOLUTION TO SUSPEND ANY REQUIREMENT THAT A SCHOOL BOARD CANDIDATE MUST COLLECT PETITION SIGNATURES TO RUN FOR A SCHOOL BOARD SEAT UNTIL DECEMBER 31, 2020.

The Senate proceeded to the consideration of the Resolution.

The Resolution was read the second time, passed and ordered to a third reading.

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator GOLDFINCH, with unanimous consent, the Senate stood adjourned out of respect to the memory of Judge Derrick Blanton of Myrtle Beach, S.C. Judge Blanton was a graduate of Coastal Carolina University. He was active in the Surfside area Rotary Club, involved in the restoration of the Myrtle Beach Train Depot, middle school dictionary program and was a volunteer for Habitat for Humanity. He was a fair and wise judge with great integrity. Judge Blanton was a loving husband and wonderful friend who will be dearly missed.

ADJOURNMENT

At 11:10 A.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

Thursday, May 14, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator MASSEY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

READ THE THIRD TIME
SENT TO THE HOUSE

The following Resolution was read the third time and ordered sent to the House of Representatives:

S. 1212 -- Senators Cromer, Sabb, Davis and Kimpson: A JOINT RESOLUTION TO SUSPEND ANY REQUIREMENT THAT A SCHOOL BOARD CANDIDATE MUST COLLECT PETITION SIGNATURES TO RUN FOR A SCHOOL BOARD SEAT UNTIL DECEMBER 31, 2020.

ADJOURNMENT

At 11:05 A.M., on motion of Senator SCOTT, the Senate adjourned, under the provisions of S. 1194, the *Sine Die* Resolution.

* * *

Tuesday, June 23, 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:

2 Timothy 1:7:

“For God has not given us a spirit of fear and timidity, but of power, love and self-discipline.”

Let us pray. Gracious God, let our time of prayer with You be our stability, our calm and our tranquility. Allow us to humble ourselves before You, O God. Encourage us to resist our doubts and embrace the faith of our fathers and mothers. For we know that You, O Lord, work through us in our times of plenty and of want.

Come close to us, O Lord, and may Your Holy Spirit inspire us to pray for our Governor, our community leaders, our South Carolina House and Senate colleagues and our national leaders on a daily basis. We pray that You will mitigate the weight of demands on them and maximize the effectiveness of their leadership in this challenging time in our nation’s history.

We offer this prayer through the Lord who hears us, loves us and empowers us to do what is pleasing in His sight. 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 on June 12, 2020:

Statewide Appointments

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2017, and to expire June 30, 2021

4th Congressional District:

Robert R. Morgan, Jr., 211 East Park Ave., Greenville, SC 29601-1633 *VICE* Lemia Clarence Batts, Jr.

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Referred to the Committee on Medical Affairs.

Reappointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2019, and to expire June 30, 2023

3rd Congressional District:

Charles M. Joye II, 1006 North Shore Drive, Anderson, SC 29625-5664

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2018, and to expire December 31, 2022

2nd Congressional District:

Rebecca Morrison, 6009 Hampton Leas Lane, Columbia, SC 29209-1954 *VICE* Eric Sellers - resigned 11/27/2018

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence June 30, 2016, and to expire June 30, 2020

7th Congressional District:

Jonella Davis, 795 Planters Trace Loop, Murrells Inlet, SC 29576-6328 *VICE* Karen R. Hazzard - resigned 7/22/2019

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Board of Nursing, with the term to commence June 30, 2020, and to expire June 30, 2024

7th Congressional District:

Jonella Davis, 795 Planters Trace Loop, Murrells Inlet, SC 29576-6328

Referred to the Committee on Medical Affairs.

Local Appointments

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Kenneth A. Campbell, 652 Otis Road, Walterboro, SC 29488

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Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Robert N. Clariday, 1523 Green Valley Street, Orangeburg, SC 29115-4120

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Derrick F. Dash, 740 Linwood Street, Elloree, SC 29047

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Gary Doremus, 1951 Forest Dr., Orangeburg, SC 29118-1923 *VICE*
Peggy Doremus - retired 6/30/2020

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Robert H. Lake, P. O. Box 670, 124 Pinckney Rd., Santee, SC 29142

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Meree Davis Williamson, 7999 Savannah Hwy., Norway, SC 29113-9418

Leave of Absence

At 12:09 P.M., Senator FANNING requested a leave of absence for Senator McLEOD for Tuesday, June 23, 2020, and Wednesday, June 24, 2020.

Leave of Absence

At 12:31 P.M., Senator HEMBREE requested a leave of absence for Senator GREGORY until 1:30 P.M.

Leave of Absence

At 12:32 P.M., Senator SETZLER requested a leave of absence for Senator JOHN MATTHEWS for the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 485 Sen. Martin

S. 1203 Sens. Davis and Verdin

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CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 1200 Sen. Davis

RECALLED AND ADOPTED

S. 1132 -- Senators Young, Setzler, Massey, M.B. Matthews and Hutto: A SENATE RESOLUTION TO RECOGNIZE SATURDAY, NOVEMBER 28, 2020, AS "SAVANNAH RIVER SITE DAY" IN SOUTH CAROLINA, IN HONOR OF THE SITE'S FOUNDING ON THAT DATE IN 1950, AND TO COMMEND ALL CURRENT AND FORMER SAVANNAH RIVER SITE EMPLOYEES FOR THEIR IMPORTANT CONTRIBUTIONS TO OUR NATIONAL DEFENSE AND GLOBAL NUCLEAR DETERRENCE OVER THE PAST SEVENTY YEARS.

Senator YOUNG asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator YOUNG 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 YOUNG, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1223 -- Senators Kimpson and Williams: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF LILLIE G. HILL AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

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S. 1224 -- Senator Sabb: A SENATE RESOLUTION TO HONOR JEROME JONES FOR HIS OUTSTANDING INFLUENCE AS PATRIARCH UPON THE OCCASION OF FATHER'S DAY.

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The Senate Resolution was adopted.

S. 1225 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE VICTOR B. SHELBURNE UPON THE OCCASION OF HIS FORTIETH ANNIVERSARY AS SCOUTMASTER OF TROOP 235 AND TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO BOY SCOUTS OF AMERICA AND THE CLEMSON COMMUNITY.

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The Senate Resolution was adopted.

S. 1226 -- Senators Young, Setzler, Massey, 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, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Shealy, Sheheen, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE ASSISTANT CHIEF PAUL "CRICKET" GRANT UPON THE OCCASION OF HIS RETIREMENT FROM THE STATE LAW ENFORCEMENT DIVISION, TO COMMEND HIM FOR HIS DEDICATED CAREER IN LAW ENFORCEMENT, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1227 -- Senators Young, Setzler, Massey, 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, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Shealy, Sheheen, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE GEORGE FUNERAL HOME UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO

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COMMEND THE BUSINESS FOR ITS MANY YEARS OF SERVICE
TO THE GREATER AIKEN COMMUNITY.

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The Senate Resolution was adopted.

S. 1228 -- Senators Turner and Reese: A SENATE RESOLUTION
TO RECOGNIZE WILLIAM "BILL" V. MCCRARY, JR. ON THE
OCCASION OF HIS FIFTIETH ANNIVERSARY WITH WILLIAM
BARNET & SON, LLC AND TO WISH HIM MUCH HAPPINESS
AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1229 -- Senators McElveen, 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, McLeod, Nicholson, Peeler, Rankin, Reese,
Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner,
Verdin, Williams and Young: A SENATE RESOLUTION TO
RECOGNIZE SHERIFF ANTHONY DENNIS OF SUMTER
COUNTY FOR HIS OUTSTANDING SERVICE AS PRESIDENT OF
THE SOUTH CAROLINA SHERIFFS' ASSOCIATION AND TO
COMMEND HIM FOR HIS MANY YEARS OF DEDICATED
SERVICE TO SUMTER COUNTY AND THE STATE OF SOUTH
CAROLINA.

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The Senate Resolution was adopted.

S. 1230 -- Senator Alexander: A SENATE RESOLUTION TO
COMMEND AND HONOR THE SOUTH CAROLINA
FLOODWATER COMMISSION AND ITS PARTNERS FOR
ESTABLISHING THE SOUTH CAROLINA SEVEN EXPEDITION
AND FOR FACILITATING ITS EXPLORATION OF THE SEVEN
WONDERS OF SOUTH CAROLINA AND ITS SUPPORT AND
PROTECTION OF THE STATE'S BEAUTIFUL ENVIRONMENT.

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The Senate Resolution was adopted.

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S. 1231 -- Senator Alexander: A SENATE RESOLUTION TO COMMEND AND HONOR MAJOR GENERAL THOMAS STOWE "TOM" MULLIKIN, RETIRED COMMANDING GENERAL OF THE SOUTH CAROLINA STATE GUARD AND CURRENT CHAIRMAN OF THE SOUTH CAROLINA FLOODWATER COMMISSION, FOR HIS LEADERSHIP IN THE FORTHCOMING SOUTH CAROLINA SEVEN EXPEDITION AND FOR HIS VISIONARY WORK; SACRIFICES OF TIME, ENERGY, AND RESOURCES; EXEMPLARY LEADERSHIP; AND OVERALL EXAMPLE, FOR WHICH THE STATE OF SOUTH CAROLINA, THE NATION, AND THE WORLD ARE ALL BENEFICIARIES.

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The Senate Resolution was adopted.

S. 1232 -- Senator J. Matthews: A SENATE RESOLUTION TO CONGRATULATE ANNE JAGGER JOHNSTON, MAYOR OF THE TOWN OF ST. GEORGE, WHO, HAVING SERVED THE PUBLIC WITH DISTINCTION FOR THIRTEEN YEARS, IS WORTHY OF DEEP APPRECIATION FOR HER YEARS OF COMMITTED SERVICE.

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The Senate Resolution was adopted.

S. 1233 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 178 AND UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY "GEORGE BAILEY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1234 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 1-3-495 AND 25-1-470 SO AS TO SET FORTH THE CIRCUMSTANCES AND PROCEDURES BY WHICH THE GOVERNOR MAY LAWFULLY DECLARE A STATE OF EMERGENCY.

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Read the first time and referred to the Committee on Judiciary.

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S. 1235 -- Senators Sheheen and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-4-140 SO AS TO ESTABLISH THE OFFICE OF BROADBAND DEVELOPMENT, TO PROVIDE DUTIES OF THE OFFICE, AND TO PROVIDE FOR ANNUAL REPORTS.

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Read the first time and referred to the Committee on Judiciary.

S. 1236 -- Senator Jackson: A BILL TO AMEND SECTION 53-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATE LEGAL HOLIDAYS, SO AS TO PROVIDE THE NINETEENTH DAY OF JUNE - JUNETEENTH SHALL BE A STATE LEGAL HOLIDAY.

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Read the first time and referred to the Committee on Family and Veterans' Services.

S. 1237 -- Senator Campsen: A BILL TO AMEND SECTION 17-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIRCUMSTANCES IN WHICH A CITIZEN MAY CONDUCT A CITIZEN'S ARREST, TO REPEAL THE PROVISION THAT AUTHORIZES A CITIZEN'S ARREST DURING THE NIGHTTIME IN CASES WHERE THE PERSON BEING ARRESTED HAS COMMITTED A FELONY, HAS ENTERED A DWELLING HOUSE WITHOUT PERMISSION, HAS BROKEN INTO OR IS BREAKING INTO AN outhouse WITH A VIEW TO PLUNDER, HAS IN HIS POSSESSION STOLEN PROPERTY, OR FLEES WHILE HE IS HAILED IF HE IS UNDER JUST SUSPICION OF HIS DESIGN TO STEAL OR COMMIT SOME FELONY.

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Read the first time and referred to the Committee on Judiciary.

S. 1238 -- Senators M. B. Matthews and McLeod: A BILL TO AMEND SECTION 23-23-60(B)(5) OF THE 1976 CODE, RELATING TO EVIDENCE OF GOOD CHARACTER CONCERNING CERTIFICATION AS A LAW ENFORCEMENT OFFICER, TO PROVIDE THAT FAVORABLE RESULTS OF A REVIEW OF THE CENTRAL REGISTRY OF POLICE MISCONDUCT IS REQUIRED TO MAKE A DETERMINATION OF GOOD CHARACTER; TO AMEND CHAPTER 23, TITLE 23, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE

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ACADEMY, BY ADDING SECTION 23-23-160, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL SHALL OPERATE AND MAINTAIN THE CENTRAL REGISTRY OF POLICE MISCONDUCT, TO PROVIDE FOR THE INFORMATION THAT MUST BE MAINTAINED ON THE REGISTRY, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH INFORMATION MUST BE INCLUDED ON THE REGISTRY, TO PROVIDE THAT THE STATE'S LAW ENFORCEMENT AGENCIES SHALL HAVE ACCESS TO THE INFORMATION ON THE REGISTRY, AND TO PROVIDE WHICH INFORMATION IS CONFIDENTIAL AND WHICH INFORMATION IS SUBJECT TO PUBLIC DISCLOSURE; AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Judiciary.

S. 1239 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, SEPTEMBER, 23, 2020, AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE TERMS THAT EXPIRED JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES

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JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6,

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WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024; AND TO ELECT MEMBERS OF THE PUBLIC SERVICE COMMISSION, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024.

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The Concurrent Resolution was adopted, ordered sent to the House.

REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 5202 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2019-2020, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Ordered for consideration tomorrow.

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Objection

Senator MASSEY asked unanimous consent to proceed to H. 5202 for immediate consideration.

Senator M.B. MATTHEWS objected.

RECESS

At 12:10 P.M., on motion of Senator SETZLER, the Senate recessed from business not to exceed 5 minutes.

At 12:15 P.M., the Senate resumed.

Expression of Personal Interest

Senator M.B. MATTHEWS rose for an Expression of Personal Interest.

Remarks by Senator BRIGHT MATTHEWS

I rise members of the Senate because I believe, as most of you have already expressed, that we are in the middle of not only a medical pandemic, but we are in the middle of a pandemic on the pulse of America. We are in the middle of a pandemic that has lasted for over 400 years. I understand there is a Resolution that brought us here, that only deals with Covid-19.

But I know this to be an organization or an assembly that can do more than one thing at a time. Nationally all the states have been dealing with rioting, with protests and marching, in reference to racism. I do not believe it is just an issue of police brutality. It is an issue that goes further. I believe that what we are dealing with is an issue of an evil, if you read your bible, it will talk about the spirit, good and bad, and I think what we are dealing with is the remnants of what has happened over time.

I believe that everyone in here, if their ancestors were brought from another country over here, and enslaved, worked from sun up to sundown. I believe that you would have a problem if you saw others celebrating the fact that was the heritage. I believe that if your ancestors were denied the right to read, denied the right to serve God, denied the right to go to college -- I believe that you would see a problem with it. I believe that we are better than the circumstances that exist now. I believe this is more than police brutality. It is a spirit of racism and a spirit of supreme superiority. None of us were made without the same blood and heart. As we move forward in dealing with this pandemic issue, I need you to understand that we have to be honest with each other, and realize as my mother always said -- I want to thank all of you who gave me condolences, when I lost my mother -- She always said, "Read

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Revelations". It says there will be a blending of the races. When you realize that, if it is your grandson, if it is your Mulatto grandson, on the ground for eight minutes and 12 seconds, I think you will look at all of these issues a little bit different. When you realize it is your granddaughter who might have a little bit of black blood in her and she is denied admittance to a club or getting a job, I think you will think about it a little bit differently. We are not at a point of only considering Covid-19. I know a lot of the problems we are going to address today are because of the funding of Covid-19, when there was a black man in the White House -- this State and I believe some of that same superiority -- denied the expansion of Medicaid. Yet today, we want to disseminate some of the money for health care. We lost hospitals in rural communities where black people needed help. Just on the stroke of a pen our Governor today, with your help, can expand Medicaid. But will you?

I believe that we need to do more and I thank my brothers and sisters for at least speaking out because I believe that, if you continue to be silent about this issue you are complicit. If you continue to be silent about these men being killed on the streets of South Carolina, and across this nation, you are complicit in it. I think you are a coward. I think we have to speak openly and ask me, why do you feel so strongly about this? I need to ask you this, why do you feel that it's okay for us to continue on as normal? I agree with some of the things that you put forward yesterday. Thank you for doing that. Guess what? We need to expand it a little bit further. I hope somehow we will look at it in the upcoming session, or whenever, to do several things. There is a Bill for civil asset forfeiture. We need to reform that, because black people's properties are being taken at disproportionate rates. We need to do away with the no-knock warrants, we need to end that. We need a law enacting body cameras and not what we already have. Yes, we need to fully fund body cameras. We need to explain that law because the way it is right now detectives and persons who go in for search warrants think that law does not apply to them -- that they need body cameras. There is a loophole in the law. We need to fully fund as you said. We need to require that there is a separate commission to look at these cases where when persons die and there is no gun involved -- except for the killing of police. We have those now. I still have a problem, and I don't know how I am going to handle it -- with the police policing the police. I have a problem with that. They SLED up and feel like they should not be accountable to anybody for anything. We have got to do something with that. We have got to do something where we see videos where the officer's incident report is totally different from

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the police video. That officer should be brought up on misconduct charges. We have to be honest and think about that and yes, Senator DAVIS, we need to do something about marijuana. We need to decriminalize marijuana -- which we see that African American young males are stopped three to five more times than their White counterparts. The officer says, "I smell marijuana." We have to reform the citizen's arrest statute in this State and do something with qualified immunity. Why does Covid-19 pandemic relate to this pandemic on racism and the killings of police officers? Recently in my office I had two people come in, both of them white, respective clients. One I did not really listen to because, you know, I had gotten it and did not really take him seriously. Then I found out that as a response to Covid-19 when he told my staff that he was kept in leg shackles from Thursday until Sunday and had to sleep in a tent while he awaited bond -- that is why these two things relate to each other. There is in Colleton County as we sit here today, if any of you want to see pictures, I have pictures, where our local sheriff has decided that it is okay whenever a person is arrested on any charge, that they put them on -- in the back of the sheriff's department -- a tarmac, the asphalt where they roll in, they have tents. Two tents set up, one for males and one for females. You stay there for 14 days. Well, this particular day, I went and it was a businessman's wife who had been arrested for something not serious. She had been arrested right after 4:00, so that means she had to stay there the entire night. It was 92° on the tarmac and there was no air conditioning. She had to sleep outside and they had storms. I wrote letters asking why are they doing this? The sheriff felt that it was as good as they get. The young petite lady who was arrested had to sleep in those shackles and 90° weather and eaten up by bugs. Now, we have got to do better than that! They thought it was okay. There was no court to let her out on bond. That is why we cannot just say, "Oh we are going to deal with Covid-19, because these other issues -- this is a police brutality issue." I am sure we are better than that as a State and we must try to do something better. Because when these people if it happens to be your cousin, your brother -- 92 degrees -- somehow we get a tornado and the whole tent blows away, then what? Then it is on the State of South Carolina. What are we going to do to help those? We cannot continue to be silent. I will not be silent, but I will be thinking about those of you who cower down and have decided to remain silent. Thank you.

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On motion of Senator NICHOLSON, with unanimous consent, the remarks of Senator M.B. MATTHEWS, were ordered printed in the Journal.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to H. 5202 for immediate consideration.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME**

H. 5202 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2019-2020, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Senate proceeded to a consideration of the Resolution.

Senator LEATHERMAN spoke on the Resolution.

The Committee on FINANCE proposed the following amendment (5202R003.KMM.HKL), which was adopted:

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/PART I

Expenditure Authorizations and Reimbursement

SECTION 1. The source of revenue authorized for expenditure in SECTION 3 is the federal funds disbursed to the State pursuant to the federal 'Coronavirus Aid, Relief, and Economic Security Act' (hereinafter referred to as the CARES Act) currently on deposit in 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 this act are for the maximum amounts that may be reimbursed by the Executive Budget Office from the Coronavirus Relief Fund. 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

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shall promptly return the funds disbursed to the Executive Budget Office for deposit in the Coronavirus Relief Fund.

(B) 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, and hospitals 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, and public and private hospitals.

(A) Department of Employment and Workforce Unemployment Trust Fund.....\$500,000,000

(B) State Department of Education Academic Recovery Camps, Five Days of Academic Instruction and Food Services..... \$222,700,000

(C) Department of Administration State and Local Government Expenditures..... \$270,000,000

(D) Department of Health and Environmental Control Statewide Testing and Monitoring..... \$ 42,437,873

(E) Adjutant General - Emergency Management Division Personal Protective Equipment Stockpile and Supply Chain.....\$ 16,804,115

(F) Department of Administration - Executive Budget Office Hospital Relief Fund..... \$125,000,000

(G) Office of Regulatory Staff Broadband Mapping and Planning, Infrastructure and Mobile Hotspots.....\$ 50,000,000

(H) Department of Administration - Executive Budget Office Grant Management Oversight and Compliance..... \$ 10,000,000

Part II

Directives to Receiving Entities

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SECTION 4. (A) The Department of Employment and Workforce shall develop a methodology, in coordination with the Department of Administration and the grant manager procured through SECTION 12 of this act and Part II, Section 2 of Act 135 of 2020, to determine the amount of benefits paid from the Department of Employment and Workforce's Unemployment Trust Fund resulting from unemployment attributable to COVID-19. Once calculated, the Department of Administration shall reimburse the Unemployment Trust Fund in a cumulative amount not to exceed \$500,000,000.

(B) The Department of Employment and Workforce shall provide a weekly report for the duration of the CARES Act to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House of Representatives Ways and Means Committee. The report shall include the Unemployment Trust Fund balance, the number of covered workers receiving benefits, new covered workers receiving benefits, and any other measurements the Department of Employment and Workforce selects.

SECTION 5. (A) The Department of Education is authorized to reimburse public school districts up to \$12,000,000 for the additional cost of cafeteria workers' salaries and the cost of meals to students that are not reimbursed by the United States Department of Agriculture.

(B) The Department of Education is authorized to reimburse public school districts up to \$210,700,000 for the cost of providing unbudgeted instructional support beyond the number of days and hours required by state law. The additional support is to focus on face-to-face instruction for (1) any at-risk students in kindergarten through third grade residing in the school district for Academic Recovery Camps in reading and mathematics during the summer and (2) students in K4 through eighth grade for five additional instructional days at the start of the school year.

(C) School districts utilizing Academic Recovery Camps will assess students at the beginning and end of the camp. The results of the pre- and post-assessments must be submitted to the Department of Education which, in turn, must provide the information to the Education Oversight Committee for evaluation of the impact the recovery camps had on student learning and the impact of the interventions on student learning.

(D) School districts are required to utilize the additional instructional days and to assess each student enrolled in K4 through eighth grade in reading and mathematics. The assessment shall utilize a pre- and post-formative assessment from the state-approved list.

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(E) All students will be assessed during the first two weeks of school to identify students needing additional support and the support to be provided. All students will be assessed again prior to the end of the 2020 Calendar Year to measure the impact of the intervention provided. The results of the pre- and post-assessments must be submitted to the Department of Education which, in turn, must provide the information to the Education Oversight Committee for evaluation of the pandemic's impact on student learning and the impact of the interventions on student learning.

(F) Each district is required to identify the strategies used and document the services received by each student. Districts must report the expenditure of funds to the Department of Education pursuant to a uniform reporting mechanism developed by the department.

SECTION 6. (A) State agencies, institutions of higher learning, counties, municipalities, and special purpose districts are authorized to apply for reimbursement of expenditures incurred March 1, 2020, through June 30, 2020, that were necessary for the response to the COVID-19 public health emergency.

(B) The Executive Budget Office, in consultation with the grant manager procured through SECTION 12 of this act and Part II, Section 2 of Act 135 of 2020, will develop an application process for reimbursement of eligible expenditures. All entities applying for reimbursement must include an attestation that the expenditures are not eligible for reimbursement from any other funding source. Expenditures approved for reimbursement must comply with all federal requirements and are subject to immediate repayment by the recipient or sub-recipient if disallowed.

(C) If the Executive Budget Office determines the amount of eligible expenditures through June 30, 2020, exceeds the authorization in SECTION 3(C), the Executive Budget Office, with notification to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of the House of Representatives Ways and Means, may increase the authorization to a total of \$320,000,000.

SECTION 7. (A) Funds authorized in SECTION 3(D) are to be used for the necessary expenses of the Statewide Testing Plan for COVID-19 developed and implemented by the Medical University of South Carolina, the Department of Health and Environmental Control, and the South Carolina Hospital Association. Funds shall also be used for the support of the statewide nursing home and congregate living facilities testing program.

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(B) Funds authorized in SECTION 3(D) may be utilized to support the monitoring of positive COVID-19 cases, which may include contact tracing. However, participation by individuals in the contact-tracing program shall be solely on a voluntary basis. The Department of Health and Environmental Control and any individual conducting contact-tracing collection are prohibited from using any applications created for such purpose on a cellular device. Any contact-tracing technologies utilized for data collection must be restricted for the collection of public health information only and must be carried and maintained in a decentralized manner. Access to any information collected will be used for public health information purposes only and will comply with all confidentiality requirements contained in the Health Insurance Portability and Accountability Act. Contact tracers must be properly trained and certified by the Department of Health and Environmental Control. The department shall conduct a public awareness campaign to explain the use of contact tracing and that individuals may decline to participate.

SECTION 8. (A) The Emergency Management Division, in consultation with the Department of Administration and the State Fiscal Accountability Authority, shall procure and maintain a statewide, twenty-eight day supply of personal protective equipment. The State Fiscal Accountability Authority is authorized to include a resident vendor preference for the procurement of personal protective equipment, if allowable under the CARES Act.

(B) The statewide stockpile is intended for use by state and local governments, law enforcement, first responders, hospitals, and other medical providers.

(C) The Emergency Management Division is directed to procure a vendor for the development of a supply chain plan and long-term strategy for acquiring personal protective equipment.

SECTION 9. The Executive Budget Office is authorized to establish a Hospital Relief Fund of up to \$125,000,000.

(1) Hospitals that are not eligible for the employee retention credit provided for in the CARES Act may submit an application to the Executive Budget Office for reimbursement of expenditures incurred through June 30, 2020, for the implementation of an employee retention plan due to the COVID-19 public health emergency, subject to the limits of the CARES Act Employee Retention Credit.

(2) Funds remaining after reimbursements provided in item (1) shall be allocated to hospitals based on the pro-rata percentage of the annual hospital tax assessment pursuant to Section 12-23-810 for the fiscal year

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ending June 30, 2020. The amount allocated is the maximum amount available per hospital for reimbursement of expenditures incurred due to the COVID-19 public health emergency.

(3) Applications for reimbursement shall be submitted to the Executive Budget Office for review in consultation with the grant manager to determine expenditures that are compliant with all federal requirements.

(4) Each hospital submitting an application for reimbursement from the Coronavirus Relief Fund must include an attestation that the expenditures are not eligible for reimbursement from any other funding source.

SECTION 10. (A) The Office of Regulatory Staff is directed to secure a vendor for the development of a broadband statewide county-by-county mapping plan and to secure a vendor for the development of a statewide broadband infrastructure plan. The infrastructure plan shall identify and prioritize communities in the State where access to broadband has impeded the delivery of distance learning, telework, and telehealth for the most vulnerable population of South Carolinians impacted by COVID-19. The plan must identify the role that public and private broadband operators can play in addressing the state's broadband plans.

(B)(1) The Office of Regulatory Staff, in consultation with the State Department of Education and the Commission on Higher Education, shall procure mobile hotspots and monthly service through December 2020 for distribution to a minimum of one hundred thousand households. Eligibility shall be limited to households with an annual income of two hundred fifty percent or less of federal poverty guidelines that also have an individual attending a public or private K-12 school or a public or private college, university or technical college. School districts, private schools, and institutions of higher learning will be responsible for distributing the hotspots and ensuring that appropriate security measures are installed on each hotspot. Priority should be given to households in counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or equal to eighty-six percent.

(2) Expansion of broadband infrastructure shall emphasize services to rural communities and communities with a high prevalence of COVID-19 or with demographic characteristics consistent with risk factors for COVID-19. Reimbursable expenditures for infrastructure expansion must be necessary for the COVID-19 public health emergency and must increase capacity for distance learning, telework, or telehealth.

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Entities seeking reimbursement of broadband infrastructure expenditures shall submit an application for reimbursement to the Executive Budget Office.

(C) It is vital to the state's interest that contracts be awarded for the mapping and infrastructure plans and mobile hotspots in the most expeditious manner possible. Accordingly, this procurement should be done pursuant to the provisions of Section 11-35-1570 of the 1976 Code. The Executive Director of the Office of Regulatory Staff shall coordinate the process used to procure the mapping and infrastructure services and mobile hotspots needed and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded. The State Fiscal Accountability Authority shall assign such personnel as necessary to assist the Office of Regulatory Staff in carrying out its duties under this act.

SECTION 11. As directed in Act 135 of 2020, Part II, Section 2, the Department of Administration shall procure professional grant management services for oversight and compliance of funds received through the CARES Act and any other available source of federal COVID-19 relief funds. An amount up to \$10,000,000 contained in this SECTION 3(H) is authorized to enable the Department of Administration to fulfill this requirement.

Part III

Miscellaneous Matters

SECTION 12. Reimbursements authorized pursuant to this act may be applied to qualifying expenditures incurred between March 1, 2020, and December 30, 2020, except as provided in SECTION 6 and SECTION 9(1).

SECTION 13. The Executive Budget Office shall report on the first of each month the reimbursements made during the previous month together with the aggregate totals, by category, of reimbursements made to date. The report shall include the amount of funds reimbursed to each recipient, the nature of the expenditure that qualified for reimbursement, and the total amount remaining for reimbursement, in the aggregate and by category. The report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, and published on the Executive Budget Office's website.

SECTION 14. This act takes effect upon approval of the Governor./

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Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER spoke on the committee amendment.

The amendment was adopted.

Amendment No. 1

Senators FANNING, MALLOY and MARTIN proposed the following amendment (WAB\5202C001.RT.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 5, by adding an appropriately lettered subsection at the end to read:

/ () To help recoup extensive instruction time lost when our public schools closed in Spring 2020 due to the COVID-19 pandemic:

(1) the State Department of Education shall seek a waiver from all federal accountability-related testing requirements and concomitant accountability, school identification, and reporting requirements for the 2020-2021 School Year; and

(2) all state-mandated public school accountability testing requirements and concomitant requirements are suspended for the 2020-2021 School Year unless prohibited by federal law. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 10; Nays 32

AYES

Bennett	Campbell	Campsen
Cash	Goldfinch	Gregory
Hembree	Loftis	Senn
Verdin		

Total--10

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NAYS

Alexander	Allen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Grooms
Harpootlian	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Williams	Young	

Total--32

Having failed to receive the necessary votes, the Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 2

Senator MARTIN proposed the following amendment (5202R008.KMM.SRM), which was withdrawn:

Amend the joint resolution, as and if amended, by striking SECTION 5(B) and inserting:

/ (B) The Department of Education is authorized to reimburse public school districts up to \$210,700,000 for the cost of providing unbudgeted instructional support beyond the number of days and hours required by state law. The additional support is to focus on face-to-face instruction for (1) any at-risk students in kindergarten through third grade residing in the school district for Academic Recovery Camps in reading and mathematics during the summer and (2) students in K4 through eighth grade for five additional instructional days at the start of the school year. A school district is not eligible for a reimbursement contained herein until the school district has developed a plan for full-time, in-person instruction. /

Renumber sections to conform.

Amend title to conform.

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Senator MARTIN spoke on the amendment.

On motion of Senator MARTIN, the amendment was withdrawn.

Amendment No. 3

Senator MARTIN proposed the following amendment (5202R004.KMM.SRM), which was withdrawn:

Amend the joint resolution, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ 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, and public and private hospitals.

(A) Department of Employment and Workforce Unemployment Trust Fund..... \$573,694,198

(B) State Department of Education Academic Recovery Camps, Five Days of Academic Instruction and Food Services..... \$200,430,000

(C) Department of Administration State and Local Government Expenditures..... \$243,000,000

(D) Department of Health and Environmental Control Statewide Testing and Monitoring..... \$38,194,085

(E) Adjutant General - Emergency Management Division Personal Protective Equipment Stockpile and Supply Chain.....\$ 15,123,703

(F) Department of Administration - Executive Budget Office Hospital Relief Fund..... \$112,500,000

(G) Office of Regulatory Staff Broadband Mapping and Planning, Infrastructure and Mobile Hotspots..... \$45,000,000

(H) Department of Administration - Executive Budget Office Grant Management Oversight and Compliance..... \$9,000,000/

Amend the joint resolution further, as and if amended, by striking SECTION 4(A) and inserting:

/ SECTION 4. (A) The Department of Employment and Workforce shall develop a methodology, in coordination with the Department of Administration and the grant manager procured through SECTION 11 of this act and Part II, Section 2 of Act 135 of 2020, to determine the amount of benefits paid from the Department of

TUESDAY, JUNE 23, 2020

Employment and Workforce's Unemployment Trust Fund resulting from unemployment attributable to COVID-19. Once calculated, the Department of Administration shall reimburse the Unemployment Trust Fund in a cumulative amount not to exceed \$573,694,198. /

Amend the joint resolution further, as and if amended, by striking SECTION 5(A) and (B) and inserting:

/ SECTION 5. (A) The Department of Education is authorized to reimburse public school districts up to \$10,800,000 for the additional cost of cafeteria workers' salaries and the cost of meals to students that are not reimbursed by the United States Department of Agriculture.

(B) The Department of Education is authorized to reimburse public school districts up to \$189,630,000 for the cost of providing unbudgeted instructional support beyond the number of days and hours required by State law. The additional support is to focus on face-to-face instruction for (1) any at-risk students in kindergarten through third grade residing in the school district for Academic Recovery Camps in reading and mathematics during the summer and (2) students in K4 through eighth grade for five additional instructional days at the start of the school year./

Amend the joint resolution further, as and if amended, by striking the first sentence in SECTION 9 and inserting:

/ SECTION 9. The Executive Budget Office is authorized to establish a Hospital Relief Fund of up to \$112,500,000. /

Amend the joint resolution further, as and if amended, by striking SECTION 11 in its entirety and inserting:

/ SECTION 11. As directed in Act 135 of 2020, Part II, Section 2, the Department of Administration shall procure professional grant management services for oversight and compliance of funds received through the CARES Act and any other available source of federal COVID-19 relief funds. An amount up to \$9,000,000 contained in SECTION 3(H) is authorized to enable the Department of Administration to fulfill this requirement. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

On motion of Senator MARTIN, the amendment was withdrawn.

Amendment No. 4A

Senators KIMPSON and MALLOY proposed the following amendment (5202R010.SP.MEK), which was withdrawn:

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Amend the joint resolution, as and if amended, by adding an appropriately lettered new item to SECTION 3 to read:

/ () Office of Small and Minority Business Assistance Minority-Owned Business Recovery Efforts.....\$10,000,000 /

Amend the joint resolution further, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. The Office of Small and Minority Business Assistance shall administer a reimbursement fund to support minority-owned businesses in their recovery from the effects of the COVID-19 crisis. Qualifying businesses shall apply to the Office of Small and Minority Business Assistance for reimbursement of allowable uses. /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

RECESS

At 2:12 P.M., on motion of Senator KIMPSON, with Senator KIMPSON retaining the floor, the Senate recessed from business not to exceed 5 minutes.

At 2:17 P.M., the Senate resumed.

Senator KIMPSON continued speaking on the amendment.

On motion of Senator KIMPSON, the amendment was withdrawn.

The question then was second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>

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McElveen	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

H. 5202--Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, H. 5202 was ordered to receive a third reading on Wednesday, June 24, 2020.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate adjourns, it stand adjourned to meet Wednesday, June 24, 2020, under the provisions of Rule 1B.

Appointments Reported

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2017, and to expire June 30, 2021

4th Congressional District:

Robert R. Morgan, Jr., 211 East Park Ave., Greenville, SC 29601-1633 *VICE* Lemia Clarence Batts, Jr.

Received as information.

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Reappointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2019, and to expire June 30, 2023

3rd Congressional District:

Charles M. Joye II, 1006 North Shore Drive, Anderson, SC 29625-5664

Received as information.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2018, and to expire December 31, 2022

2nd Congressional District:

Rebecca Morrison, 6009 Hampton Leas Lane, Columbia, SC 29209-1954 *VICE* Eric Sellers - resigned 11/27/2018

Received as information.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence June 30, 2016, and to expire June 30, 2020

7th Congressional District:

Jonella Davis, 795 Planters Trace Loop, Murrells Inlet, SC 29576-6328 *VICE* Karen R. Hazzard - resigned 7/22/2019

Received as information.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

TUESDAY, JUNE 23, 2020

Reappointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2019, and to expire June 30, 2023

3rd Congressional District:

Charles M. Joye II, 1006 North Shore Drive, Anderson, SC 29625-5664

On motion of Senator VERDIN, the question was confirmation of Charles M. Joye II.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 5

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Kimpson
Leatherman	Loftis	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Campsen	Davis	Hutto
Malloy	Setzler	

Total--5

The appointment of Charles M. Joye II was confirmed.

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Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2017, and to expire June 30, 2021

4th Congressional District:

Robert R. Morgan, Jr., 211 East Park Ave., Greenville, SC 29601-1633 *VICE* Lemia Clarence Batts, Jr.

On motion of Senator VERDIN, the question was confirmation of Robert R. Morgan, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0; Abstain 5

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Kimpson
Leatherman	Loftis	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Campsen	Davis	Hutto
Malloy	Setzler	

Total--5

The appointment of Robert R. Morgan, Jr. was confirmed.

TUESDAY, JUNE 23, 2020

Initial Appointment, South Carolina State Board of Nursing, with the
term to commence June 30, 2016, and to expire June 30, 2020
7th Congressional District:

Jonella Davis, 795 Planters Trace Loop, Murrells Inlet, SC 29576-
6328 *VICE* Karen R. Hazzard - resigned 7/22/2019

On motion of Senator VERDIN, the question was confirmation of
Jonella Davis.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Hutto

Total--1

The appointment of Jonella Davis was confirmed.

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Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2018, and to expire December 31, 2022
2nd Congressional District:

Rebecca Morrison, 6009 Hampton Leas Lane, Columbia, SC 29209-1954 *VICE* Eric Sellers - resigned 11/27/2018

On motion of Senator VERDIN, the question was confirmation of Rebecca Morrison.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Jackson
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

ABSTAIN

Hutto

Total--1

The appointment of Rebecca Morrison was confirmed.

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LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Kenneth A. Campbell, 652 Otis Road, Walterboro, SC 29488

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Robert N. Clariday, 1523 Green Valley Street, Orangeburg, SC 29115-4120

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Derrick F. Dash, 740 Linwood Street, Elloree, SC 29047

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Gary Doremus, 1951 Forest Dr., Orangeburg, SC 29118-1923 *VICE*
Peggy Doremus - retired 6/30/2020

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Robert H. Lake, P. O. Box 670, 124 Pinckney Rd., Santee, SC 29142

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Meree Davis Williamson, 7999 Savannah Hwy., Norway, SC 29113-9418

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 21, 2020, at 2:20 P.M. and the following Acts were ratified:

(R143, S. 76) -- Senators Cromer and Alexander: AN ACT TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO

TUESDAY, JUNE 23, 2020

EXTEND THE PROGRAM FIVE ADDITIONAL YEARS; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO EXTEND A PROVISION RELATED TO ENERGY EFFICIENT MANUFACTURED HOMES, AND 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.
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(R144, S. 455) -- Senators Alexander, Climer and Davis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "ARMED SERVICES MEMBERS AND SPOUSES PROFESSIONAL AND OCCUPATIONAL LICENSING ACT" BY ADDING SECTION 27-1-170 SO AS TO PROVIDE CONDITIONS UNDER WHICH ACTIVE DUTY UNITED STATES ARMED FORCES MEMBERS' SPOUSES WHO ARE CREDENTIALLED IN PROFESSIONS OR OCCUPATIONS IN OTHER JURISDICTIONS AND SUBSEQUENTLY RELOCATE TO THIS STATE UNDER OFFICIAL MILITARY ORDERS MAY CONTINUE TO WORK IN SUCH PROFESSIONS OR OCCUPATIONS IN THIS STATE, AND TO PROVIDE RELATED REQUIREMENTS AND PROCEDURES FOR IMPLEMENTING THESE PROVISIONS, AMONG OTHER THINGS; TO AMEND SECTION 40-1-630, RELATING TO THE ISSUANCE OF TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES BY STATE REGULATORY BOARDS, SO AS TO MAKE THE ISSUANCE OF SUCH TEMPORARY LICENSES MANDATORY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-1-640, RELATING TO THE DISCRETIONARY ACCEPTANCE OF MILITARY EDUCATION, TRAINING, AND EXPERIENCE TO SATISFY PROFESSIONAL AND OCCUPATIONAL LICENSURE REQUIREMENTS OF CERTAIN STATE REGULATORY BOARDS, SO AS TO MANDATE THE ACCEPTANCE OF SUCH EDUCATION, TRAINING, AND EXPERIENCE IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 40-33-20, AS AMENDED, AND SECTION 40-33-34, AS AMENDED, BOTH RELATING TO CERTIFICATION REQUIREMENTS FOR CERTIFIED REGISTERED NURSE ANESTHETISTS, SO AS TO REVISE ACADEMIC REQUIREMENTS FOR SUCH CERTIFICATION.
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TUESDAY, JUNE 23, 2020

(R145, S. 601) -- Senators Shealy and Hutto: AN ACT TO AMEND SECTION 63-7-2350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS ALSO TO APPLY TO EMPLOYEES OF RESIDENTIAL FACILITIES IN WHICH FOSTER CHILDREN ARE PLACED AND TO ADD BACKGROUND CHECK REQUIREMENTS FOR SUCH EMPLOYEES.

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senators SHEALY and PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jack Callender Ullom of Columbia, S.C. Mr. Ullom was the father of our beloved Lynn Ballentine with the Senate Oversight Committee. Jack was a craftsman who retired from AT&T with over 35 years of exceptional service. He enjoyed working on broken items and bringing old items back to life. Jack was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 2:44 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow under the provisions of Rule 1B.

* * *

Wednesday, June 24, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SCOTT. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

COMMUNICATION

Department of Transportation Commissioner - 5th Congressional District
Pursuant to Section 57-1-325, the Senate and House members in the 5th Congressional District met together on June 24, 2020, and approved the re-appointment of David E. Branham, Sr. from Kershaw, South Carolina to the South Carolina Transportation Commission representing the 5th Congressional District.

Statewide Appointments

Reappointment, South Carolina Department of Transportation Commission, with the term to commence February 15, 2020, and to expire February 15, 2024

5th Congressional District:

David E. Branham, Sr., 614 Fletcher Drive, Kershaw, SC 29067-9673

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1240 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Gambrell, Gregory, Climer, Cromer, Shealy, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO ENACT THE SC LEADS ACT; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-85, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL SHALL ESTABLISH REQUIRED STANDARDS FOR ALL LAW ENFORCEMENT AGENCIES, TO PROVIDE THAT THE COUNCIL SHALL HAVE THE AUTHORITY TO TAKE PUNITIVE ACTION AGAINST ANY LAW ENFORCEMENT AGENCY THAT REFUSES TO

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IMPLEMENT AND ENFORCE COMPLIANCE WITH THESE STANDARDS, AND TO PROVIDE A PENALTY FOR SUCH A FAILURE.

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Read the first time and referred to the Committee on Judiciary.

S. 1241 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Climer, Cromer, Shealy, Gambrell, Gregory, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS FOR THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO PROVIDE THAT SLED SHALL HAVE SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY OVER CERTAIN INVESTIGATIONS AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR SITUATIONS IN WHICH THE SUBJECT OF AN INVESTIGATION IS A SLED OFFICER, TO PROVIDE FOR JURISDICTION, TO PROVIDE THAT THE ATTORNEY GENERAL HAS THE EXCLUSIVE AUTHORITY TO MAKE PROSECUTORIAL DECISIONS AND MUST DO SO WITHIN NINETY DAYS, TO PROVIDE A PENALTY, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Judiciary.

S. 1242 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Gambrell, Gregory, Climer, Cromer, Shealy, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND SECTION 23-23-40 OF THE 1976 CODE, RELATING TO THE CERTIFICATION REQUIREMENT FOR LAW ENFORCEMENT OFFICERS, TO REQUIRE LAW ENFORCEMENT OFFICERS TO COMPLETE AN APPROVED FIELD TRAINING PROGRAM, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS NOT CERTIFIED SHALL ONLY PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER UNDER CERTAIN CIRCUMSTANCES AND WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER, AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS GRANTED AN EXCEPTION FOR FAILING TO SECURE CERTIFICATION WITHIN ONE YEAR OF HIS DATE OF EMPLOYMENT SHALL BE GRANTED THE EXCEPTION FOR A PERIOD NOT LONGER THAN NINETY DAYS

WEDNESDAY, JUNE 24, 2020

AND SHALL ONLY PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER.

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Read the first time and referred to the Committee on Judiciary.

S. 1243 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Climer, Cromer, Shealy, Gambrell, Gregory, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-45, TO PROVIDE FOR A MODEL TRAINING PROGRAM FOR NEWLY APPOINTED CHIEFS OF POLICE, REVISIONS TO THE PROGRAM, AND THE TIME PERIOD TO COMPLETE THE PROGRAM, AND TO PROVIDE THAT THE TRAINING PROGRAM DOES NOT APPLY TO DULY ELECTED SHERIFFS.

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Read the first time and referred to the Committee on Judiciary.

S. 1244 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Gambrell, Gregory, Climer, Cromer, Shealy, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND SECTION 23-23-150(A) AND (B) OF THE 1976 CODE, RELATING TO ADJUDICATIONS OF ALLEGATIONS OF MISCONDUCT, TO PROVIDE THAT MISCONDUCT ALSO MEANS WILFULLY FAILING TO INTERVENE WHEN OBSERVING ANOTHER LAW ENFORCEMENT OFFICER NOT COMPLYING WITH THE STANDARDS ESTABLISHED BY THE LAW ENFORCEMENT TRAINING COUNCIL, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT HAS MADE A REPORT SHALL FULLY COOPERATE WITH ANY INVESTIGATION BY THE COUNCIL TO INCLUDE MANDATORY ATTENDANCE BY A REPRESENTATIVE OF THE AGENCY KNOWLEDGEABLE OF THE CIRCUMSTANCES SURROUNDING THE ALLEGATION AT ANY SCHEDULED HEARING, AND TO PROVIDE A PENALTY.

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Read the first time and referred to the Committee on Judiciary.

WEDNESDAY, JUNE 24, 2020

**READ THE THIRD TIME
RETURNED TO THE HOUSE**

The following Resolution was read the third time and ordered returned to the House of Representatives.

H. 5202 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2019-2020, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator MASSEY.

MOTION ADOPTED

On motion of Senator WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kris Nelson of Mullins, S.C. Kris was the Associate Probate Judge for Marion County. She was a beloved person who served her community faithfully. Kris was a loving wife, devoted mother and sweet friend who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Donald Emory Robinson of Greenwood, S.C. Donald was a graduate of Claflin University and taught school in several school districts around the State. He served in the Korean War and on the Greenwood County Council for many years. He worked full time in his family business Robinson & Son Mortuary, Inc. after retirement from teaching. Donald was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

WEDNESDAY, JUNE 24, 2020

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William “Billy” Hatcher, Jr. of Gaffney, S.C. Billy was the former co-owner and operator of Shuford-Hatcher Funeral Home and Frederick Memorial Gardens. He was a member of the Gaffney Elks Lodge and a former board member of Palmetto Bank. Billy was a member of the Lyman Hamrick Sunday School Class at First Baptist Church of Gaffney. Billy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 11:10 A.M., on motion of Senator SHEALY, the Senate adjourned pursuant to S. 1194, the *Sine Die* Resolution.

* * *

Wednesday, September 2, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Proverbs 3:6

“In all your ways acknowledge God and he will make straight your paths.”

Let us pray. Lord God, our help in ages past and our hope for years to come. You are our shelter from a stormy blast and our eternal home.

As we gather together today, lead us home Lord from bitter conflicts that divide us. Lead us home Lord from a virus that stirs up fear where courage should dwell. Lead us home Lord to Your peace that passes all understanding. Lead us home Lord and make straight our life path that we might walk in faith and not be weary.

May this path be one of inspiration in things that matter and rejection of things that flatter. “For the gate is indeed narrow and the way is hard that leads to life, and those that find it are few.”(Matt 7:14) We offer this prayer in the name of our Lord and Savior. 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, Charleston Naval Complex Redevelopment Authority, with the term to commence upon the date of confirmation and to expire four years from the date of confirmation.

At-Large:

William L. Schachte, Jr., 172 Broad Street, Charleston, SC 29401-2453

Referred to the Committee on Labor, Commerce and Industry.

WEDNESDAY, SEPTEMBER 2, 2020

Initial Appointment, Department of Natural Resources Board, with the term to commence July 1, 2018, and to expire July 1, 2022

7th Congressional District:

Jerry Allen Lee, 2611 Hanna Lake Road, Johnsonville, SC 29555-5241 *VICE* Keith C. Hinson

Referred to the Committee on Fish, Game and Forestry.

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence February 15, 2020, and to expire February 15, 2024

3rd Congressional District:

Pamela L. Christopher, 200 Royal Oaks Drive, Anderson, SC 29621-5608 *VICE* Ben H. Davis, Jr.

Referred to the Committee on Transportation.

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence May 10, 2018, and to expire February 15, 2022

At-Large:

Nancy Whitworth, 15 Harbor Oaks Drive, Greenville, SC 29609-4949 *VICE* Kristen E. Blanchard (resigned)

Referred to the Committee on Transportation.

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

Referred to the Committee on Medical Affairs.

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

Referred to the Committee on Medical Affairs.

WEDNESDAY, SEPTEMBER 2, 2020

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-large, Governor:

Cashida N. Okeke, Esq., 105 Easton Meadow Way, Greer, SC 29650-2692 *VICE* Ashleigh R. Wilson

Referred to the Committee on Judiciary.

Leave of Absence

At 12:05 P.M., Senator MARTIN requested a leave of absence for Senator DAVIS until 2:05 P.M.

Leave of Absence

At 12:05 P.M., Senator NICHOLSON requested a leave of absence for Senators LEATHERMAN and GAMBRELL for the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 1240 Sens. Senn, Young and Goldfinch
S. 1241 Sens. Senn, Young and Goldfinch
S. 1242 Sens. Senn, Young and Goldfinch
S. 1243 Sens. Senn, Young and Goldfinch
S. 1244 Sens. Senn, Young and Goldfinch

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bills:

S. 1240 Sen. Cromer
S. 1241 Sen. Cromer
S. 1242 Sen. Cromer
S. 1243 Sen. Cromer
S. 1244 Sen. Cromer

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 25, 2020, at 10:00 A.M. and the following Acts and Joint Resolution were ratified:

(R146, H. 3200) -- Reps. Henderson-Myers, Allison, Bernstein, Govan, Ridgeway, Clyburn, Brawley, McDaniel, Cogswell, Caskey, Norrell and Weeks: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA

WEDNESDAY, SEPTEMBER 2, 2020

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.

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(R147, H. 5034) -- Reps. Stavrinakis, McCoy, Sottile, Brown, Cogswell, Mace, Bennett, Moore, Matthews, Pendarvis and Hewitt: AN ACT 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.

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(R148, 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,

WEDNESDAY, SEPTEMBER 2, 2020

AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

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RECESS

At 12:07 P.M., on motion of Senator SETZLER, the Senate recessed from business.

At 12:58 P.M., the Senate resumed.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1245 -- Senator Kimpson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF THE HONORABLE FLOYD BREELAND AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1246 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE SUICIDE PREVENTION EFFORTS IN SOUTH CAROLINA IN HONOR OF WORLD SUICIDE PREVENTION DAY.

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The Senate Resolution was adopted.

S. 1247 -- Senators Climer, Reese, Fanning and Gregory: A SENATE RESOLUTION TO CONGRATULATE AND HONOR DR. CHRISTOPHER M. BLACK OF ROCK HILL FOR HIS MANY ACCOMPLISHMENTS AND, ON THE OCCASION OF HIS RETIREMENT, TO WISH HIM CONTINUED SUCCESS, HEALTH, AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1248 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE GARY HOWELL, PRESIDENT OF THE PROGRESSIVE ASSOCIATION OF CHESTER COUNTY COMMUNITIES, ON THE OCCASION OF HIS RETIREMENT AFTER THREE YEARS OF EXEMPLARY

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SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1249 -- Senator Fanning: A SENATE RESOLUTION TO CONGRATULATE ESTHER LEE LYLES WILSON OF BLAIR IN FAIRFIELD COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 1250 -- Senator Senn: A SENATE RESOLUTION TO CONGRATULATE C. WILLIAM "BILL" TRAWICK UPON THE OCCASION OF HIS RETIREMENT AS PRESIDENT AND CEO OF BISHOP GADSDEN EPISCOPAL RETIREMENT COMMUNITY, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THIS COMMUNITY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1251 -- Senator Fanning: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR JUDY C. MCWATERS, DIRECTOR OF THE CHESTER COUNTY VETERANS AFFAIRS OFFICE, ON THE OCCASION OF HER RETIREMENT AFTER FORTY-ONE YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1252 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE LULA GOODSON DANIELS OF RICHLAND COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

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S. 1253 -- Senator Jackson: A SENATE RESOLUTION TO COMMEND AND THANK THE HONORABLE GERALDENE ROBINSON FOR HER MANY YEARS OF DEDICATED PUBLIC AND COMMUNITY SERVICE AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS AS SHE STEPS DOWN FROM HER DUTIES AS MAYOR OF EASTOVER.

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The Senate Resolution was adopted.

S. 1254 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE ST. JOHN BAPTIST CHURCH OF HOPKINS IN RICHLAND COUNTY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FORTY-FIFTH ANNIVERSARY AND TO HONOR THE CHURCH FOR NEARLY A CENTURY AND A HALF OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 1255 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF NIGEL M. "NICKY" MAHAFFEY, JR., OF COLUMBIA AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1256 -- Senator McLeod: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF THE HONORABLE CALVIN WAYNE "CHIP" JACKSON OF RICHLAND COUNTY, TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1257 -- Senators Jackson, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M.

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B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF ANDERSON NATIVE CHADWICK BOSEMAN, TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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Senator JACKSON spoke on the Resolution.

The Senate Resolution was adopted.

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.

On motion of Senator KIMPSON, with unanimous consent, the remarks of Senator JACKSON, were ordered printed in the Journal.

S. 1258 -- Senators Campbell and Campsen: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF WILLIAM AMES "BILL" HALL AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

WEDNESDAY, SEPTEMBER 2, 2020

S. 1259 -- Senators Massey, Turner, Grooms, Alexander, Peeler, Shealy, Campbell, Bennett, Gambrell, Climer and Loftis: 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.

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Read the first time and referred to the Committee on Judiciary.

S. 1260 -- Senator Goldfinch: A BILL TO AMEND SECTION 16-23-470 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE UNLAWFUL POSSESSION OF TEAR GAS, TO PROVIDE THAT THE PROHIBITION AGAINST THE POSSESSION OF TEAR GAS DOES NOT APPLY TO THE POSSESSION OF A PERSONAL PEPPER SPRAY DEVICE FOR THE PURPOSE OF SELF DEFENSE.

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Read the first time and referred to the Committee on Judiciary.

S. 1261 -- Senator Williams: A SENATE RESOLUTION TO ENCOURAGE ALL AMERICANS TO OBSERVE CHILDHOOD CANCER AWARENESS MONTH IN SEPTEMBER 2020 AND TO

WEDNESDAY, SEPTEMBER 2, 2020

SUPPORT THIS CAUSE THAT SO DEEPLY IMPACTS FAMILIES
IN EVERY COMMUNITY ACROSS OUR COUNTRY.

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The Senate Resolution was adopted.

S. 1262 -- Senator Verdin: A BILL TO AMEND SECTION 11-35-1524 OF THE 1976 CODE, RELATING TO RESIDENT VENDOR PREFERENCES, TO PROVIDE THAT NO STATE AGENCY SHALL PURCHASE, FOR RETAIL SALE, A STATE FLAG, STATE SEAL, OR OTHER OFFICIAL SYMBOL OF THE STATE; ITEMS INCORPORATING THOSE SYMBOLS; OR ITEMS BEARING THE NAME 'SOUTH CAROLINA' OR 'THE PALMETTO STATE' UNLESS THE SYMBOL OR ITEM IS A SOUTH CAROLINA END PRODUCT, IF POSSIBLE, OR IF NOT, UNLESS IT IS A UNITED STATES END PRODUCT, AND TO PROVIDE THAT A STATE AGENCY SHALL NOT RECEIVE REVENUE THROUGH A CONTRACTUAL ARRANGEMENT WITH A PRIVATE ENTITY FOR ANY ITEMS NOT SOURCED ACCORDING TO THESE SAME STANDARDS.

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Senator VERDIN spoke on the Bill.

Read the first time and referred to the Committee on Finance.

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.

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Read the first time and ordered placed on the Calendar without reference.

WEDNESDAY, SEPTEMBER 2, 2020

S. 1263--Ordered to a Second Reading

On motion of Senator SHEHEEN, S. 1263 was ordered to receive a second reading on the next legislative day.

HOUSE CONCURRENCES

S. 873 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE MAY 12, 2020, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS DAY" AND THE MONTH OF MAY, ANNUALLY, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO HELP SPREAD AWARENESS OF THE DISEASE AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS LIVING WITH MYALGIC ENCEPHALOMYELITIS.

Returned with concurrence.

Received as information.

S. 1239 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, SEPTEMBER, 23, 2020, AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE TERMS THAT EXPIRED JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10,

WEDNESDAY, SEPTEMBER 2, 2020

WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT, 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH

WEDNESDAY, SEPTEMBER 2, 2020

CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024; AND TO ELECT MEMBERS OF THE PUBLIC SERVICE COMMISSION, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024.

Returned with concurrence.

Received as information.

Expression of Personal Interest

Senator McLEOD rose for an Expression of Personal Interest.

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.

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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.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator McLEOD, were ordered printed in the Journal.

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Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate proceeded to H. 5305.

There was no objection.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

AMENDED, READ THE SECOND TIME

H. 5305 -- Reps. Norrell, B. Newton, Yow and Lucas: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE THE NAMES OF SEVEN 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, the question being the second reading of the Bill.

Senator MASSEY spoke on the Bill.

Introductory Remarks by Senator MASSEY

Ladies and gentlemen of the Senate,

Today is September 2nd. We're still in a pandemic. We're still wearing masks and social distancing.

We're still in a major election cycle.

When we last met, we weren't sure what coronavirus was going to look like. We didn't know how long it would last -- and we still don't.

When we were here in May, we took some precautions to keep our citizens safe when they voted in the primaries.

We are here today because it is again important for us to consider possible action to protect South Carolinians' ability to vote safely.

Since we last met, we have had some folks sue PRESIDENT PEELER and Speaker Lucas because they don't believe that we can pass anything in time before the general election.

So the Body is aware, we have two suits sitting in federal court right now and one over at the Supreme Court.

Both of the federal suits are a continuation of what we had ahead of the primaries. There was a summary judgment hearing on Monday in one of them (*Thomas*). Judge Childs indicated that she would wait and see

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what we did here. We have another hearing on the 11th in the other case (*Middleton* - injunction).

As for the Supreme Court case, the Senator from Richland's firm is representing the plaintiffs. Oral arguments are scheduled for mid-September (18th).

I'm sure that the decisions we make today will impact those cases.

Lawsuits aside, it is the General Assembly's responsibility to decide how to govern our elections -- in a pandemic or otherwise not the judiciary. We were elected to represent the citizens of this State and we cannot shirk our responsibility to them and hand over our election laws to the judicial branch.

So, in keeping with that responsibility, we will take up an amendment shortly that proposes several changes to our election process that apply only to the November 3rd General Election. The amendment will protect the safety of the voter and the integrity of the vote. We are not changing permanent law today.

The amendment does eight things -- most of which we did last time:

1. allows for no excuse absentee voting if we are under a state of emergency order;
2. provides a schedule for when absentee ballot applications can be received;
3. provides for the return of absentee ballots to election commission staff;
4. provides in-office absentee voting must begin October 5th;
5. allows the examination and opening of the outer envelopes on Sunday and the opening of the inner envelopes and tabulation of the ballots earlier on Tuesday;
6. provides for public notice for absentee ballot examination;
7. provides that social distancing policies and other safety measures must be used to the extent practicable; and
8. requires the State Election Commission to establish aggressive voter education about these changes.

Before we get to that amendment, though, we will have a few amendments from the Senator from Richland. His amendments seek the same relief he's asked for at the Supreme Court. While we will hear more about those amendments shortly, those amendments would undermine important anti-fraud election laws that law enforcement counts on when investigating claims of election fraud.

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We will deal with those amendments and others, but I am confident that we will again do what's necessary to maintain the integrity of our election process, keep it accessible, but keep it safe in light of the pandemic.

Senator SETZLER spoke on the Bill.

Amendment No. 4A

Senators HARPOOTLIAN and SCOTT proposed the following amendment (ZW5305C009.CC.ZW20), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. This act may be cited as the "South Carolina COVID-19 General Election Public Safety Act".

SECTION 2. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

"Section 7-15-397. For purposes of the 2020 General Election and notwithstanding another provision of law, the county boards of voter registration and elections may utilize secure drop boxes for the collection of lawfully completed and timely cast absentee ballots. As used in this item, 'drop box' means a secure, locked structure operated by county election officials where qualified electors may deliver their absentee ballots from the time they receive them in the mail up to the time polls close on election day. Absentee ballot drop boxes must be available during regular business hours and monitored by trained county election workers during those hours."

SECTION 3. The new section of the 1976 Code as added by SECTION 2 of this act is repealed on December 31, 2020.

SECTION 4. This act takes effect upon approval by the Governor. / Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 16

AYES

Alexander

Bennett

Campbell

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Campsen	Cash	Climer
Corbin	Cromer	Goldfinch
Gregory	Grooms	Hembree
Loftis	Martin	Massey
Peeler	Rankin	Rice
Senn	Shealy	Talley
Turner	Verdin	Young

Total--24

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Setzler	Sheheen
Williams		

Total--16

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

This amendment was described as allowing drop boxes to be used to collect absentee ballots. We voted against this amendment because if drop boxes are used as contemplated by this amendment then it would undermine existing laws protecting the integrity of the ballot against the anti-fraud provisions in our election law, including ballot harvesting. Amendment No. 8, adopted by the Senate, creates more options for absentee voters to return their ballots while also maintaining ballot integrity.

Amendment No. 5B

Senators HARPOOTLIAN, McLEOD and SCOTT proposed the following amendment (ZW\5305C010.CC.ZW20), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. This act may be cited as the "South Carolina COVID-19 General Election Public Safety Act".

SECTION 2. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

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“Section 7-15-398. For purposes of the 2020 General Election and notwithstanding another provision of law, in addition to curbside voting at every precinct, the county boards of voter registration and elections may designate curbside voting at a centralized location or locations within the county. If a county board of voter registration and elections elects to designate curbside voting at a centralized location or locations, then the county board shall include the list of designated curbside voting locations in the elections notices required pursuant to Section 7-13-35.”

SECTION 3. The new section of the 1976 Code as added by SECTION 2 of this act is repealed on December 31, 2020.

SECTION 4. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator HARPOOTLIAN spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 16

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Goldfinch
Gregory	Grooms	Hembree
Loftis	Martin	Massey
Peeler	Rankin	Rice
Senn	Shealy	Talley
Turner	Verdin	Young

Total--24

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	McElveen	McLeod
Nicholson	Reese	Sabb

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Scott
Williams

Setzler

Sheheen

Total--16

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

We voted against this amendment because it is unnecessary and would lead to voter confusion on Election Day. The amendment reduces the number of polling places that offer curbside voting. Amendment No. 8 ensures that each polling location shall continue to offer curbside voting. Because Amendment No. 8 allows for more opportunities for voters to cast absentee ballots, we believe there will be fewer people who will vote in person on Election Day thereby allowing poll workers more time to work with curbside voters.

Amendment No. 7

Senators HARPOOTLIAN and SCOTT proposed the following amendment (5305RAH6), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. Section 7-15-380 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() For purposes of the 2020 General Election and notwithstanding another provision of law, the requirement that the absentee ballot applicant’s oath imprinted on the return-addressed envelope be witnessed pursuant to subsection (A) shall not apply.”

SECTION 2. The amendment contained in SECTION 1 of this act is repealed on December 31, 2020, and the text of this SECTION therefore shall revert back to the language as contained in the South Carolina Code of Laws as of September 1, 2020.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator MALLOY spoke on the amendment.

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Remarks by Senator MALLOY

Thank you, Mr. PRESIDENT, members of the Senate. As I look around the Chamber, one question we need to ask ourselves is where are we? We are in the South Carolina Senate that has 27 republicans and 19 democrats. Earlier today, the 24 republicans and 16 democrats who were present voted along party lines. This is the majority. There are at least ten people here in this Body, republicans and democrats, that served when the democrats were in the majority. Just ten. The times have changed. The elections have consequences.

We are under a *Sine Die* Resolution that would have had the Senate return on September 15, 2020, and yet we are here today. Why? The PRESIDENT and the majority called us back in earlier to address voting issues and so we are here. As we come back today, the first promise that I make is what I learned when I first got to the Senate -- if it's a good piece of legislation today then it's good piece of legislation tomorrow. What we have today is legislation before us and we have a little over 60 days before election day.

We have to do something as it relates to our citizens voting. We do not have to be reminded that we are in a pandemic. This is a difficult time for us. There is not one person here that has not been touched by it. We all have loss -- you have family members and others, you change your way of life, change the way you work, change all of these things. The Pandemic has also changed the way we need to vote and it must be done. There are many issues that I and many others on my side would like to get done. There are things like curbside voting, early voting, and early absentee applications to give the officials more time to count these ballots.

There are lawsuits pending and I mention them very briefly to make my point. There is Bailey vs. South Carolina Election Commission. The Supreme Court dismissed this case on May 27th. The pertinent part says only the legislature may change the law. We look at the language and say there is no way to grant the plaintiffs the relief they are seeking. But what if the conditions in the fall warrant another change in our election law. The will of the people is expressed through their legislative representatives, in a way that such change may be made. Look at the Middleton case. What is going on there? I know that the Speaker has intervened, and the plaintiffs have asked for a preliminary injunction. On September 11th, there is the plaintiff's motion for the temporary injunction. Move on forward to the Thomas case. Thomas vs. Andino.

This particular amendment is where the rubber meets the road for me and for many people that are interested. What it says is that you set aside

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the qualifications for absentee ballots and the witness signature requirement for the 2020 General Election due to COVID-19. That was done in the primary in May. It covered the primary and the run-offs. What happened was the judge, one of the most brilliant judges that we know, struck down the signature requirement. Guess what we did? We moved forward. We did not have a signature requirement. That decision did not cover the fall elections.

This is critical. The Supreme Court of South Carolina is a separate branch of government. They have a hearing scheduled for September 18th -- only 16 days from now. How many times do you accept jurisdiction, hear the arguments and then rule? Do you hear the case and then rule in time enough when early voting will start on October 5th? Or when the absentee ballots that have been going out at record numbers -- 300,000 so far, maybe a million before it's time for the election -- those are the chances that we are taking.

You may ask, why are we going through all of this? I came to the Senate today like many others and saw the amendment that the majority drafted for the first time. I looked at it, but I cannot leave my common sense at home. The Democratic Caucus met and we are having a discussion about why it still has the absentee signature requirement; we do not want to agree to anything that says that you have to have the signature for an absentee ballot. This amendment will end up allowing an absentee ballot without the signature. But, we know it is not going to pass.

So what are you telling us? I am saying that after this amendment is adopted, I am signing on to the amendment that the majority party drew and placed on the desk. I think it gives us the best chance that we have for the citizens of South Carolina to get some legislation passed that creates some protections for the voting this fall.

I do not know what the number is exactly, nor do I know who originated the statement that says when you get 80% of something you want that it is probably about as good as you can get as a compromise. Here is why. Let's say that a signature requirement is struck down in federal court. What does any good lawyer do now that does not want it? Petition for a stay and have an argument. Maybe take it up to a higher court. What is going on in the background for our citizens is tick-tock, tick-tock, tick-tock -- the clock is ticking. We do not have that kind of time. So what I am doing is explaining that we are going to support this amendment to add protections for the voters. I really would love to eliminate the witness signature requirement, but I do not think that there is a will for that in this Body.

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What we do know is that elections matter. There are consequences. We are here. One thing would be to delay and wait until the 15th and see what our brothers and sisters in the House are going to do -- and the other is to say that we are moving on now. After this amendment is done, the will of the Senate will be heard and we will get to the amendment that we have that does not do away with the signature requirement. Hopefully, this elementary lesson that I have given on the cases that have been pending explains why myself and many other folks that may be in the minority party on the democratic side will vote for legislation that does not have removal of the signature requirement in that legislation, and may have some exclusion of other things. What we think is right at this point in time is that what we are doing is the best that we could get done.

My last point is this: we are not throwing the baby out with the bath water, folks. If the House comes back and changes it all, maybe we will have another discussion and get another chance. We then can see what the will of our Body is. With that Mr. PRESIDENT, I wanted to make sure that we lay the course as to what is going on legally, procedurally, and what is going on in this Body. What is going on in this Body is that we have a piece of legislation, that I'm signing onto and that I am going to vote for, even though it does not have the, "no excuse, no signature" affixed to the absentee ballot. With that, I will yield. If no one else wants to be heard, I think Senator HARPOOTLIAN has his amendment on the desk. The amendment on the desk is the amendment that does not require a signature affixed to the person casting the ballot and that is the amendment that we have pending before us. Thank you.

On motion of Senator NICHOLSON, with unanimous consent, the remarks of Senator MALLOY, were ordered printed in the Journal.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 16

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin

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Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Setzler	Sheheen
Williams		

Total--16

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

This amendment eliminates the requirement that a person witness an absentee voter's signature on the absentee envelope. The witness requirement was suspended for the primary and runoff elections this year by a federal court. We disagreed with the court on this point but we understand why the court took that position. However, we now know much more about COVID-19 and how it is transmitted -- and more importantly -- how to prevent or drastically reduce transmission of the virus. What we now know is that the witness requirement poses minimal COVID-19 risk. Witnesses can maintain a safe distance from a voter while still watching the voter sign the envelope. Furthermore, there are no limits on who can serve as the witness. So a person can have a family member, friend, neighbor, delivery person -- or any other person that the voter chooses to serve as the witness. We believe that keeping the witness requirement is important because courts have recognized that absentee voting is a likely source of voting fraud. The existence of the witness requirement has had a deterrent effect as is evidenced by a relative lack of absentee ballot fraud prosecutions. Finally, removing the witness requirement -- aside from deterring fraud -- would also take away from law enforcement an important tool for investigating election fraud allegations.

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Amendment No. 8

Senators MASSEY, MALLOY and CAMPSSEN proposed the following amendment (JUD5305.002), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language and inserting therein the following:

/ SECTION 1. Due to the significant health threat and risks associated with 2019 Novel Coronavirus, also referred to as COVID-19, the following SECTIONS are changes for the 2020 General Election.

SECTION 2. A qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector's place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty-six days remaining until the date of the General Election to be held on November 3, 2020.

SECTION 3. Completed applications for absentee ballots must be received by the county board of elections and voter registration before: (a) 5:00 p.m. on Saturday, October 24, 2020, if submitted by mail; (b) 5:00 p.m. on Friday, October 30, 2020, if submitted in-person, or by the qualified elector's authorized representative; or (c) 5:00 p.m. on Monday, November 2, 2020, for a qualified elector who appears in person. In addition, if a qualified elector is admitted to a hospital as an emergency patient from Friday, October 30, 2020, through Tuesday, November 3, 2020, an immediate family member of the qualified elector may obtain an application from the board on the day of the election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and the immediate family member personally carry the ballot back to the board of voter registration and elections.

SECTION 4. A qualified elector must submit an absentee ballot to the county board of elections and voter registration either: (a) by mail; or (b) by returning the sealed envelopes containing the ballot during office hours, either personally or by authorized representative with the appropriate form as required by law. If the envelope containing an absentee ballot is returned in-person, the envelope must be submitted to staff or an official at the county board of elections and voter registration or at a satellite office where the election staff or officials receive the envelope at the time of delivery and examine the envelope, and the authorization form, if applicable. The county board of elections and voter registration shall ensure that returned absentee ballots are secured in a locked box within the office in accordance with Section 7-15-385.

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SECTION 5. Beginning on October 5, 2020, each county board of elections and voter registration must provide for in-office absentee voting for the November 3, 2020, General Election.

SECTION 6. (A) The process of examining the return-addressed envelopes containing absentee ballots, in accordance with the requirements of Section 7-15-420, may begin at 7:00 a.m. on Sunday, November 1, 2020, at a place designated in the notice by the authority charged with conducting the election.

(B) After all return-addressed envelopes have been emptied, but no earlier than 7:00 a.m. on November 3, 2020, the managers shall remove the ballots contained in the envelopes marked "Ballot Herein," placing each ballot in the ballot box provided for the applicable contest.

(C) Beginning at 7:00 a.m. on November 3, 2020, the absentee ballots may be tabulated.

(D) Results of the absentee ballot tabulation must not be publicly reported until after the polls are closed.

SECTION 7. The authority charged by law with conducting an election must include in the public notice pursuant to Section 7-13-35 that the process of examining the return-addressed envelopes containing absentee ballots may begin at 7:00 a.m. on Sunday, November 1, 2020.

SECTION 8. The State Elections Commission is encouraged to develop recommendations for local county offices to reduce the spread of COVID-19 during in-person absentee voting and personal delivery of absentee ballots prior to the November 3, 2020, election and with in-person voting on November 3, 2020. The personal delivery of absentee ballots prior to November 2, 2020 must, to the extent practicable, be physically segregated from the in-person absentee voting process.

SECTION 9. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows:

(1) Post information concerning the items in this legislation in a conspicuous location at each county board of elections and voter registration, each satellite office, the State Elections Commission office, and their respective websites.

(2) Train poll managers and poll workers to answer questions by electors concerning the changes in this legislation.

(3) Coordinate with local media outlets to disseminate information concerning the changes in the legislation.

(4) Post requests that registered electors ensure their current contact information including, but not limited to, at least one phone number and

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an email address, is provided to the appropriate county board of elections and voter registration. This request, and instructions on how qualified electors can check or update contact information, must be posted in a conspicuous location at each county board of elections and voter registration, each satellite office, the State Elections Commission office, and their respective websites, as well as coordinate with local media outlets.

(5) The State Elections Commission may implement additional educational programs in its discretion.

SECTION 10. (A) The provisions of this act only apply to the 2020 General Election, scheduled for November 3, 2020, and the processes to finalize the results of the 2020 General Election. The provisions of this act must not be applied to any other election or election process other than the 2020 General Election.

(B) The provisions of this act take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Statement by Senators MASSEY and CAMPSEN

This amendment is a conscientious, balanced approach that was developed through a measured, deliberate consideration of the various concerns raised about the November elections. We voted in favor of Amendment No. 8 because it paves the way for South Carolinians to safely exercise their right to vote in November despite the challenges presented by COVID-19. Additionally, this amendment helps ensure the integrity of the voting process. The amendment had broad bipartisan support. In fact, this amendment became the Bill that unanimously passed the Senate.

Amendment No. 9

Senator MALLOY proposed the following amendment (JUD5305.012), which was withdrawn:

Amend the amendment bearing document number JUD5305.002, as and if amended, by striking SECTION 5 in its entirety and inserting therein the following:

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/ SECTION 5. Beginning on September 28, 2020, each county board of elections and voter registration must provide for in-office absentee voting for the November 3, 2020, General Election. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 9 was withdrawn.

Amendment No. 10

Senator MALLOY proposed the following amendment (JUD5305.013), which was withdrawn:

Amend the amendment bearing document number JUD5305.002, as and if amended, by striking SECTION 2 in its entirety and inserting therein the following:

/ SECTION 2. (a) A qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector's place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty-six days remaining until the date of the general election to be held on November 3, 2020.

(b) A qualified elector must be permitted to vote by absentee ballot in the office of the county board of voter registration and elections or any alternative absentee voting precinct selected by the county board of voter registration and elections on Saturday, October 31, 2020, from seven o'clock a.m. to seven o'clock p.m. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 10 was withdrawn.

Amendment No. 11

Senator MALLOY proposed the following amendment (JUD5305.014), which was withdrawn:

Amend the amendment bearing document number JUD5305.002, as and if amended, by adding an appropriately numbered SECTION before SECTION 10 to read:

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/ SECTION _____. In order to maintain standards of social distancing and other safety precautions to protect electors due to COVID-19, for the November 3, 2020, General Election, a county board of voter registration and elections shall designate at least one and not more than three locations in other local government buildings or offices in the county to serve as in-person absentee voting precincts. If designated on or before October 23, 2020, an in-person absentee voting precinct must be approved by a majority of the legislative delegation. If designated after October 23, 2020, the county board must notify the members of the legislative delegation. In-person absentee voting precincts must be selected with consideration of the distance electors would be required to travel in order to vote. Every attempt must be made to notify electors of each curbside voting precinct before the election and on the day of the election through the media and by posted notice at the designated polling place. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 11 was withdrawn.

Amendment No. 12

Senator MALLOY proposed the following amendment (JUD5305.015), which was withdrawn:

Amend the amendment bearing document number JUD5305.002, as and if amended, by adding an appropriately numbered SECTION before SECTION 10 to read:

/ SECTION _____. For receipt of absentee ballots, the county board of voter registration and elections may utilize at least one drop box to be placed in a conspicuous and prominently labeled location outside its office. Each county board of voter registration and elections may designate no more than two additional locations in or near government buildings in the county to place drop boxes for receipt of absentee ballots. The drop box must meet at least the minimum standards or guidelines established by the Department of Homeland Security and the Elections Assistance Commission, if applicable. Each county board of voter registration and elections must take steps to secure the drop box and remove the ballots at least once each business day that the office is open. At least two people must be present to remove the ballots from the drop box, and the receipt of these ballots must be recorded as absentee

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ballots received by mail. All absentee ballot drop boxes must be emptied and secured at 7:00 p.m. on the day of the election. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 12 was withdrawn.

Amendment No. 13

Senator MALLOY proposed the following amendment (JUD5305.016), which was withdrawn:

Amend the amendment bearing document number JUD5305.002, as and if amended, by adding an appropriately numbered SECTION before SECTION 10 to read:

/ SECTION _____. In order to maintain standards of social distancing and other safety precautions to protect electors due to COVID-19, for the November 3, 2020, General Election, a county board of voter registration and elections shall designate at least one and no more than three locations in the county to serve as curbside voting precincts. Any elector eligible to vote in the county who is disabled or who is assisting a disabled elector may vote at a designated curbside voting precinct. If designated on or before October 23, 2020, a curbside voting precinct must be approved by a majority of the legislative delegation. If designated after October 23, 2020, the county board must notify the members of the legislative delegation. Curbside voting precincts must be selected with consideration of the distance electors would be required to travel in order to vote. Every attempt must be made to notify electors of each curbside voting precinct before the election and on the day of the election through the media and by posted notice at the designated polling place. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 13 was withdrawn.

Amendment No. 14

Senator MALLOY proposed the following amendment (JUD5305.017), which was withdrawn:

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Amend the amendment bearing document number JUD5305.002, as and if amended, by adding an appropriately numbered SECTION before SECTION 10 to read:

/ SECTION _____. A. Notwithstanding the provisions of Chapter 13 or Chapter 5 of Title 7 of the Code of Laws of South Carolina, for the November 3, 2020, General Election, each county board of voter registration and elections shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for that election. The qualified elector may cast a ballot during an early voting period pursuant to this section.

B. Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

C. If a qualified elector casts his ballot at an early voting center, he must do so in the county in which he resides.

D. Each county board of registration and elections must establish at least one early voting center and may establish up to three early voting centers. The county board of registration and elections shall determine the location of each early voting center or centers. Each early voting center must be supervised by county board of registration and elections employees.

E. The early voting period begins ten days before the election and ends three days prior to the election.

F. The county board of registration and elections shall determine the hours of operation for the early voting center or centers; however:

- (1) the early voting centers shall not open on Sundays; and
- (2) the early voting centers must be open for two Saturdays within the early voting period.

G. In addition to the early voting centers established pursuant to this section, a county board of registration and elections may authorize up to two additional early voting centers if the county board of registration and elections finds there is a need for additional early voting centers after holding a public hearing on the matter. The county board of registration and elections must determine the location of any additional early voting center or centers.

H. A sign must be posted prominently in each early voting center and shall have printed on it: VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS.

I. The Executive Director of the State Election Commission must enter into the master file a separate designation for each voter casting an

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absentee ballot or an early ballot for the November 3, 2020, General Election. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 14 was withdrawn.

Amendment No. 15

Senator MALLOY proposed the following amendment (JUD5305.018), which was withdrawn:

Amend the bill, as and if amended, by striking all after the enacting language and inserting therein the following:

/ SECTION 1. Due to the significant health threat and risks associated with 2019 Novel Coronavirus, also referred to as COVID-19, the following SECTIONS are changes for the 2020 General Election.

SECTION 2. (a) A qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector's place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty-six days remaining until the date of the General Election to be held on November 3, 2020.

(b) A qualified elector must be permitted to vote by absentee ballot in the office of the county board of voter registration and elections or any alternative absentee voting precinct selected by the county board of voter registration and elections on Saturday, October 31, 2020, from seven o'clock a.m. to seven o'clock p.m.

SECTION 3. Completed applications for absentee ballots must be received by the county board of elections and voter registration before: (a) 5:00 p.m. on Saturday, October 24, 2020, if submitted by mail; (b) 5:00 p.m. on Friday, October 30, 2020, if submitted in-person, or by the qualified elector's authorized representative; or (c) 5:00 p.m. on Monday, November 2, 2020, for a qualified elector who appears in person. In addition, if a qualified elector is admitted to a hospital as an emergency patient from Friday, October 30, 2020, through Tuesday, November 3, 2020, an immediate family member of the qualified elector may obtain an application from the board on the day of the election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and the immediate family member personally carry the ballot back to the board of voter registration and elections.

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SECTION 4. A qualified elector must submit an absentee ballot to the county board of elections and voter registration either: (a) by mail; or (b) by returning the sealed envelopes containing the ballot during office hours, either personally or by authorized representative with the appropriate form as required by law. If the envelope containing an absentee ballot is returned in-person, the envelope must be submitted to staff or an official at the county board of elections and voter registration or at a satellite office where the election staff or officials receive the envelope at the time of delivery and examine the envelope, and the authorization form, if applicable. The county board of elections and voter registration shall ensure that returned absentee ballots are secured in a locked box within the office in accordance with Section 7-15-385.

SECTION 5. Beginning on September 28, 2020, each county board of elections and voter registration must provide for in-office absentee voting for the November 3, 2020, General Election.

SECTION 6. (A) The process of examining the return-addressed envelopes containing absentee ballots, in accordance with the requirements of Section 7-15-420, may begin at 7:00 a.m. on Sunday, November 1, 2020, at a place designated in the notice by the authority charged with conducting the election.

(B) After all return-addressed envelopes have been emptied, but no earlier than 7:00 a.m. on November 3, 2020, the managers shall remove the ballots contained in the envelopes marked "Ballot Herein," placing each ballot in the ballot box provided for the applicable contest.

(C) Beginning at 7:00 a.m. on November 3, 2020, the absentee ballots may be tabulated.

(D) Results of the absentee ballot tabulation must not be publicly reported until after the polls are closed.

SECTION 7. The authority charged by law with conducting an election must include in the public notice pursuant to Section 7-13-35 that the process of examining the return-addressed envelopes containing absentee ballots may begin at 7:00 a.m. on Sunday, November 1, 2020.

SECTION 8. The State Elections Commission is encouraged to develop recommendations for local county offices to reduce the spread of COVID-19 during in-person absentee voting and personal delivery of absentee ballots prior to the November 3, 2020, election and with in-person voting on November 3, 2020. The personal delivery of absentee ballots prior to November 2, 2020 must, to the extent practicable, be physically segregated from the in-person absentee voting process.

SECTION 9. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained

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in this legislation. The State Elections Commission must educate the public as follows:

(1) Post information concerning the items in this legislation in a conspicuous location at each county board of elections and voter registration, each satellite office, the State Elections Commission office, and their respective websites.

(2) Train poll managers and poll workers to answer questions by electors concerning the changes in this legislation.

(3) Coordinate with local media outlets to disseminate information concerning the changes in the legislation.

(4) Post requests that registered electors ensure their current contact information including, but not limited to, at least one phone number and an email address, is provided to the appropriate county board of elections and voter registration. This request, and instructions on how qualified electors can check or update contact information, must be posted in a conspicuous location at each county board of elections and voter registration, each satellite office, the State Elections Commission office, and their respective websites, as well as coordinate with local media outlets.

(5) The State Elections Commission may implement additional educational programs in its discretion.

SECTION 10. In order to maintain standards of social distancing and other safety precautions to protect electors due to COVID-19, for the November 3, 2020, General Election, a county board of voter registration and elections shall designate at least one and not more than three locations in other local government buildings or offices in the county to serve as in-person absentee voting precincts. If designated on or before October 23, 2020, an in-person absentee voting precinct must be approved by a majority of the legislative delegation. If designated after October 23, 2020, the county board must notify the members of the legislative delegation. In-person absentee voting precincts must be selected with consideration of the distance electors would be required to travel in order to vote. Every attempt must be made to notify electors of each curbside voting precinct before the election and on the day of the election through the media and by posted notice at the designated polling place.

SECTION 11. For receipt of absentee ballots, the county board of voter registration and elections may utilize at least one drop box to be placed in a conspicuous and prominently labeled location outside its office. Each county board of voter registration and elections may designate no more than two additional locations in or near government

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buildings in the county to place drop boxes for receipt of absentee ballots. The drop box must meet at least the minimum standards or guidelines established by the Department of Homeland Security and the Elections Assistance Commission, if applicable. Each county board of voter registration and elections must take steps to secure the drop box and remove the ballots at least once each business day that the office is open. At least two people must be present to remove the ballots from the drop box, and the receipt of these ballots must be recorded as absentee ballots received by mail. All absentee ballot drop boxes must be emptied and secured at 7:00 p.m. on the day of the election.

SECTION 12. In order to maintain standards of social distancing and other safety precautions to protect electors due to COVID-19, for the November 3, 2020, General Election, a county board of voter registration and elections shall designate at least one and no more than three locations in the county to serve as curbside voting precincts. Any elector eligible to vote in the county who is disabled or who is assisting a disabled elector may vote at a designated curbside voting precinct. If designated on or before October 23, 2020, a curbside voting precinct must be approved by a majority of the legislative delegation. If designated after October 23, 2020, the county board must notify the members of the legislative delegation. Curbside voting precincts must be selected with consideration of the distance electors would be required to travel in order to vote. Every attempt must be made to notify electors of each curbside voting precinct before the election and on the day of the election through the media and by posted notice at the designated polling place.

SECTION 13. A. Notwithstanding the provisions of Chapter 13 or Chapter 5 of Title 7 of the Code of Laws of South Carolina, for the November 3, 2020, General Election, each county board of voter registration and elections shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for that election. The qualified elector may cast a ballot during an early voting period pursuant to this section.

B. Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

C. If a qualified elector casts his ballot at an early voting center, he must do so in the county in which he resides.

D. Each county board of registration and elections must establish at least one early voting center and may establish up to three early voting centers. The county board of registration and elections shall determine the location of each early voting center or centers. Each early voting

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center must be supervised by county board of registration and elections employees.

E. The early voting period begins ten days before the election and ends three days prior to the election.

F. The county board of registration and elections shall determine the hours of operation for the early voting center or centers; however:

(1) the early voting centers shall not open on Sundays; and

(2) the early voting centers must be open for two Saturdays within the early voting period.

G. In addition to the early voting centers established pursuant to this section, a county board of registration and elections may authorize up to two additional early voting centers if the county board of registration and elections finds there is a need for additional early voting centers after holding a public hearing on the matter. The county board of registration and elections must determine the location of any additional early voting center or centers.

H. A sign must be posted prominently in each early voting center and shall have printed on it: VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS.

I. The Executive Director of the State Election Commission must enter into the master file a separate designation for each voter casting an absentee ballot or an early ballot for the November 3, 2020, General Election.

SECTION 14. (A) The provisions of this act only apply to the 2020 General Election, scheduled for November 3, 2020, and the processes to finalize the results of the 2020 General Election. The provisions of this act must not be applied to any other election or election process other than the 2020 General Election.

(B) The provisions of this act take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Amendment No. 15 was withdrawn.

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Amendment No. 17

Senators M. B. MATTHEWS and McLEOD proposed the following amendment (5305R005.SP.MBM), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Each county board of voter registration and elections must establish at least one early voting center and may establish up to three early voting centers. The county board of voter registration and elections shall determine the location of the early voting center or centers. The early voting period begins October 1, 2020, and ends October 31, 2020. The county board of voter registration and elections shall determine the hours of operation for the early voting center or centers, provided that the early voting centers shall not be open on Sundays. /

Renumber sections to conform.

Amend title to conform.

Senator M.B. MATTHEWS explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSER

This amendment would allow for in-person absentee voting to begin on October 1st. Amendment 8, which we voted for, allows for in-person absentee voting to begin on October 5th. We believe that is sufficient.

Amendment No. 18

Senators M. B. MATTHEWS and McLEOD proposed the following amendment (5305R006.SP.MBM), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Each county board of voter registration and elections shall designate at least one polling place that allows any qualified elector in the county to cast a ballot from a vehicle. Paper ballots are authorized in lieu of voting machines for this purpose. Ballots cast from a vehicle shall be tabulated and reported as a separate precinct./

Renumber sections to conform.

Amend title to conform.

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Senator M.B. MATTHEWS explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 16

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Sabb	Scott	Setzler
Williams		

Total--16

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

We voted against this amendment because it is unnecessary and would lead to voter confusion on Election Day. The amendment reduces the number of polling places that offer curbside voting. Amendment No. 8 ensures that each polling location shall continue to offer curbside voting. Because Amendment No. 8 allows for more opportunities for voters to cast absentee ballots, we believe there will be fewer people who will vote in person on Election Day thereby allowing poll workers more time to work with curbside voters.

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Amendment No. 19

Senators M. B. MATTHEWS and McLEOD proposed the following amendment (5305R007.SP.MBM), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. A completed voter registration portion of an application for a state motor vehicle driver's license accepted at a state motor vehicle authority must be transmitted to a county board of voter registration and elections no later than five days after the date of acceptance until October 5, 2020. After October 5, 2020, if a registration application is accepted, then the application must be transmitted to a county board of voter registration and elections within twenty-four hours after the date of acceptance. /

Renumber sections to conform.

Amend title to conform.

Senator M.B. MATTHEWS spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 16

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese

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Sabb
Williams

Scott

Setzler

Total--16

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

This amendment would alter the timeline during which DMV transmits new voter registration to the Election Commission. The amendment would have no effect on this election because voters who register after October 5th aren't eligible to vote in this election since they failed to register within 30 days of the election.

Amendment No. 20

Senators M. B. MATTHEWS and McLEOD proposed the following amendment (5305R008.SP.MBM), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Each county board of voter registration and elections must provide a secure ballot box at each county election office and satellite offices as applicable. A secure ballot box must be monitored by election office staff during hours of operation. All ballots must be collected daily and safely transferred for tabulation and reporting as provided in Section 7-15-420. /

Renumber sections to conform.

Amend title to conform.

Senator M.B. MATTHEWS explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 16

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin

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Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Sabb	Scott	Setzler
Williams		

Total--16

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

This amendment was described as allowing drop boxes to be used to collect absentee ballots. We voted against this amendment because if drop boxes are used as contemplated by this amendment then it would undermine existing laws protecting the integrity of the ballot against the anti-fraud provisions in our election law, including ballot harvesting. Amendment No. 8, adopted by the Senate, creates more options for absentee voters to return their ballots while also maintaining ballot integrity.

Amendment No. 21

Senator M. B. MATTHEWS proposed the following amendment (5305R002.SP.MBM), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Face coverings must be worn inside of a polling place and within two hundred feet of an entrance to a polling place. Any qualified elector who does not wear a face covering in accordance with this SECTION must cast a ballot from his vehicle pursuant to Section 7-13-771. Face coverings may not bear any type of campaign literature or serve as a political poster. Each polling place must have a notice of this requirement within two hundred feet of an entrance to the polling place./

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Renumber sections to conform.

Amend title to conform.

Senator M.B. MATTHEWS explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 15

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

NAYS

Allen	Fanning	Harpootlian
Jackson	Johnson	Kimpson
Malloy	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Sabb	Scott	Williams

Total--15

The amendment was laid on the table.

Statement by Senators MASSEY and CAMPSSEN

We voted against this amendment because it was unnecessary. Amendment No. 8 already provides for protections for absentee voters. We are confident that the State Election Commission, county election commissions, and poll workers will take necessary steps to ensure polling site safety.

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The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate adjourns, it stand adjourned to meet Thursday, September 3, 2020, under the provisions of Rule 1B.

H. 5305--Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, H. 5305 was ordered to receive a third reading on Thursday, September 3, 2020.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Chadwick Aaron Boseman of Anderson, S.C. Chadwick graduated from TL Hanna High School and from Howard University. He had many achievements but was most famous for his role in the first superhero movie to be nominated for a Best Picture Oscar and one of the highest grossing films of all time, Black Panther. Chadwick was a loving son and devoted husband who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Hayne Hipp of Greenville, S.C. Hayne was a graduate of Washington and Lee University and held a master's degree in business administration from the Wharton School at the University of Pennsylvania. He was a businessman and philanthropist who had great impact across the State of South Carolina. He was the chief executive officer for 27 years for the nonprofit leadership program Liberty Fellows. Hayne was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 2:55 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

* * *

Thursday, September 3, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHEALY. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bill:

S. 1259 Sens. Rice and Corbin

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 5305 -- Reps. Norrell, B. Newton, Yow and Lucas: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE THE NAMES OF SEVEN 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.

On motion of Senator MASSEY.

READ THE SECOND TIME

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

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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.

On motion of Senator SHEHEEN.

MOTION ADOPTED

On motion of Senator KIMPSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Amari President of Charleston, S.C. Amari attended Ridge High School where he played football and was a student leader who worked on local and national political campaigns. Amari was a beloved son, brother and friend who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator CAMPBELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bill Hall, Sr. of Charleston, S.C. Bill was the founder of Hall Management Group. He was an industry leader and community icon who was well known for the family restaurant Halls Chophouse. Bill was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 11:07 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned pursuant to S. 1194, the *Sine Die* Resolution.

* * *

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.

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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

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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 J. 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

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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,

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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 CAMPSSEN 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.

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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.

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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, all 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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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

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(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

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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

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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;

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(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

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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

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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

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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

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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,

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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.

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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
<i>Matthews, Margie</i>	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

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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

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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

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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."

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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-~~

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~~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.

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() ‘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~~ 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.

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(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.”

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SECTION 9. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator CAMPSSEN 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
<i>Matthews, Margie</i>	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.

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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
<i>Matthews, Margie</i>	McLeod	Peeler
Rankin	Reese	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Talley

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Turner
Young

Verdin

Williams

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
<i>Matthews, Margie</i>	McLeod	Peeler
Rankin	Reese	Rice

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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

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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 recessed 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

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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 State 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			\$ <u>671,514,950</u>
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

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- (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
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

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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

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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.

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(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;

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(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.

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(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:

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(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:

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(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:

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/ () 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

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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.

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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, Amendment 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

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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:

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/ () 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.

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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./

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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 recessed 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.

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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

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shall provide an itemized list of each construction tasks 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

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(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
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Cash	Rice	Senn
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Total--3

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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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

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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

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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 Unemployment Trust Fund.....\$420,000,000

(E) Department of Administration Nonprofit (501(c)(3)) Relief Program.....\$20,000,000

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(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

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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

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(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

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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

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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

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(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.

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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.

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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;

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(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

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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	<i>Matthews, Margie</i>	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

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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	<i>Matthews, Margie</i>	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

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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 recessed 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
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Cash	Rice
------	------

Total--2

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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

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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

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.

* * *

Wednesday, September 16, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 42:6

“I am the Lord, I have called you in righteousness; I will take you by the hand and lead you; I will give you as a covenant for my people, a light for the nations.”

Let us pray. Loving Father, only You can read the language of our hearts. Only You can translate our anxiety and our frustration into useful and powerful action.

Lord, walk closely with our Senators this week as they struggle with important and pressing budget considerations. May they draw close to You and with Your help make wise decisions...decisions that will be efficacious both now and in the future and make our State a better place for each and every person.

For You, O Lord, are the way and the light that illuminates our path and empowers our actions. Thank you for extending Your hand to us and leading us through the myriad of difficult issues before us. For it is in Your loving name that we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on September 16, 2020, at 12:25 P.M. and the following Act was ratified:

(R149, H. 5305) -- Reps. Norrell, B. Newton, Yow and Lucas: AN ACT TO ESTABLISH COVID-19 VOTING-RELATED PROCEDURES FOR THE 2020 GENERAL ELECTION; TO AUTHORIZE ABSENTEE VOTING FOR ALL QUALIFIED ELECTORS RESIDING OR VOTING IN AN AREA SUBJECT TO A DECLARED STATE OF EMERGENCY; TO ESTABLISH A TIMELINE FOR THE RECEIPT OF COMPLETED ABSENTEE

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BALLOT APPLICATIONS; TO DELINEATE HOW QUALIFIED ELECTORS MAY SUBMIT COMPLETED ABSENTEE BALLOTS TO THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS; TO ESTABLISH A START DATE FOR IN-OFFICE ABSENTEE VOTING; TO ESTABLISH A TIMELINE FOR THE EXAMINATION OF RETURN-ADDRESSED ENVELOPES AND THE TABULATION OF ABSENTEE BALLOTS; TO REQUIRE THAT CERTAIN INFORMATION BE INCLUDED IN THE PUBLIC NOTICE REQUIRED PURSUANT TO SECTION 7-13-35; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP RECOMMENDATIONS TO REDUCE THE SPREAD OF COVID-19 DURING THE 2020 GENERAL ELECTION; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP A VOTER EDUCATION PROGRAM; AND TO PROVIDE THE PROVISIONS OF THIS ACT SHALL APPLY ONLY TO THE 2020 GENERAL ELECTION AND THE PROCESSES NECESSARY TO FINALIZE THE RESULTS.

L:\COUNCIL\ACTS\5305ZW20.DOCX

Point of Quorum

At 1:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Grooms
Harpootlian	Hembree	Hutto
Johnson	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
Nicholson	Peeler	Rice
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

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MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

William D. Wilson, Jr., 114 Fairhaven Dr., Goose Creek, SC 29445-8002

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Otis Prioleau, 1128 Universal Circle, Saint Stephens, SC 29479-3648

Reappointment, Berkeley County Master-in-Equity, with the term to commence November 7, 2020, and to expire November 7, 2026

Dale E. VanSlambrooke, P. O. Box 609, Monks Corner, SC 29461-0609

Initial Appointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tracy Bomar-Howze, 715 Creekbridge Drive, Rock Hill, SC 29732-9169

Leave of Absence

At 2:39 P.M., Senator CLIMER requested a leave of absence for Senator GOLDFINCH for the day.

Leave of Absence

At 2:40 P.M., Senator ALEXANDER requested a leave of absence for Senator LEATHERMAN for the day.

Leave of Absence

At 2:40 P.M., Senator JOHNSON requested a leave of absence for Senator McELVEEN for the day.

Leave of Absence

On motion of Senator SABB, at 4:05 P.M., Senator ALLEN was granted a leave of absence for the balance of the day.

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Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

Remarks by Senator FANNING

Ladies and gentlemen of the Senate this past week has been a tough week for the South Carolina schools family. Teachers all across South Carolina are wearing black today as we grapple with loss. There are heartbroken feelings inside each of us.

In the last seven days, we have lost a dynamic passionate 28-year-old elementary teacher by the name of Emmy Bannister. In the last seven days, we have, also, lost a legendary 46-year-old assistant football coach at a local high school, who was also a college scout. In the last seven days, we have lost a beloved and dedicated bus driver. All three in the last seven days. These educators lost a battle with COVID-19. All three loved South Carolina's school children. Each of these three individuals will be missed by teachers and students across the State. We will all remember what they did, and they will be missed by the State of South Carolina.

Mr. PRESIDENT, I have a unanimous consent request. I ask the Senate to stand for a moment of silence remembering Emmy, Coach Pete, and Mr. Smith. We send prayers to the families, schools, community, teachers, students and all those that feel the loss of these three amazing public servants.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator FANNING, were ordered printed in the Journal.

Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

Remarks by Senator MASSEY

South Carolina has now been under a State of Emergency for six months because of COVID.

So far, there have been thirteen consecutive Executive Orders declaring 15-day states of emergency. I believe the current State of Emergency should end around next Wednesday, September 23, but there will surely be more.

The law authorizing the Governor to declare States of Emergency is clear, and specifically limits those declarations to 15 days unless the General Assembly consents to a longer period of time. Six months in, the Governor has not requested that legislative consent. But, to be fair,

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while the Senate discussed the issue in May, the legislature has not asserted its authority here, either. That's unacceptable.

After 13 consecutive States of Emergency, for more than six months, South Carolinians do not know the end game. Have goals been identified? They surely have not been articulated. I am confident I am not the only Senator who regularly receives phone calls or email messages from constituents asking when things will change. Is what we're doing working? What do we need to see for restrictions to ease? When will the State of Emergency end? Those are fair and reasonable questions that warrant complete answers.

I said a few months ago that I thought we should have a statewide requirement for people to wear masks or face coverings. I took that position because our experts -- South Carolina's public health experts -- said wearing masks will help slow the spread of the virus. If that's what our experts say, and if slowing the spread of the virus allows businesses to reopen at full capacity and allows people to return to their jobs and children to go to school five days a week and people to feel comfortable going to church and for folks to be able to visit loved ones in nursing homes, then I'm on the team.

But we must set reasonable expectations to the public. For the life of me, I don't understand the benefit of wearing a mask from the restaurant door to the table and from the table back to the door. Why is that the only place we have to wear masks? Have we seen an outbreak of COVID from people walking to their tables?

Restaurants are limited to 50% capacity with local and state law enforcement devoting precious time to enforce that limitation. Is that limitation necessary? Why? For how long? These States of Emergency have real financial impact on restaurants that already operate on small margins anyway. Is it having any impact on slowing the spread of COVID?

Restaurants have been prohibited from selling alcohol after 11:00. This doesn't apply only to bars. It doesn't apply only to areas where large crowds gather. It applies to restaurants in Sumter and Rock Hill and Florence and Greenwood and Aiken. Why? For how long?

Many other businesses are limited in capacity. Why is that? Why must a racetrack or other entertainment venues be limited but Wal-Mart and Lowe's are not?

South Carolina's point agency on COVID is the Department of Health and Environmental Control. Yet DHEC hasn't had a director for most of the past 6 months. Many very bright and hard-working people have stepped up over there to fill necessary roles. But the agency needs stable,

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competent leadership. Now more than ever. Where are they in the search for a new director?

Every school district was required to submit reopening plans to the Department of Education. Those plans had to be approved before schools could reopen. A small number of districts offer only virtual or distance learning so far.

Many districts, including the district where my children attend, chose hybrid options that have students in classrooms 2 days a week and learning virtually (at least that's the idea) the other 3 days a week. Districts chose that delivery method because they did not believe they could have normal populations of students on buses or in the classrooms and also comply with distancing recommendations. But many districts submitted and received approval for full, in-person learning 5 days a week.

Why the difference? Are the 5-day districts complying with distancing recommendations? If so, what are the 5-day districts doing that hybrid and virtual districts chose not to do? If 5-day districts are not complying with the distancing recommendations, why aren't they? Do they not need to?

Overall, how long will these limitations last? Is there a case number we should be looking to? Or maybe hospitalizations? Or maybe the percentage of positive tests as compared to the total number of tests conducted? What's the goal? Is there a goal? What do South Carolinians need to achieve in order for life to return to normal? And how do they make that happen?

I've received these questions -- and many others -- from South Carolinians who've contacted me. They're reasonable questions.

They're reasonable questions from reasonable people who are frustrated that, as of yesterday, 2,943 South Carolinians have succumbed to COVID.

Reasonable people who are frustrated that their hours at work have been cut or they've lost their job or government is strangling their business with no real explanation as to why and no end in sight.

They're reasonable questions from reasonable people who are frustrated because they see the very real effects of their children not being in school for 5 months . . . and not being in school 5 days a week now.

And they're angry . . . because after 13 consecutive States of Emergency lasting now more than 6 months, there are too few answers and even less communication.

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At your direction, Mr. PRESIDENT, the Senate has been asking some of these questions. The members of your select Reopen SC Committee and the assigned staff have done a great deal of work over the last few months. I know, even in recent weeks, they've been questioning DHEC about testing and resources DHEC needs to lead the state effort to combat the virus. Those are important questions, and they need to be answered.

I know the House of Representative has done some oversight, as well, and I appreciate their work.

But I think we have a much larger role to play. The Senate should exercise its constitutional check and balance and ask these questions ... not in an attempt to play gotcha ... but so we will know the answers ... so the agencies know we're looking over their shoulder ... and so the public understands better what state government is doing, why it's doing those things, and how long it will continue to do those things.

We also need to examine whether current law allows elected and appointed officials to respond to and manage crises appropriately.

It's apparent to me that our laws really are not designed for the situation we're experiencing now. Our emergency statutes are clearly designed for natural disasters with limited duration. The emergency powers are not conducive to managing an epidemic or health emergency. What is the Governor's authority in an emergency? What should it be? Do other statewide elected officials, such as the Superintendent of Education, have emergency powers? Should they? If so, what should those powers be? How about the Chief Justice? What is his authority to administer the judicial branch in an emergency? And is the emergency authority granted to local governments sufficient? Is it too much? We have to ask these questions, and, in some cases, we will need to change policy based on what we learn.

Mr. PRESIDENT, I believe the Senate should insist on answers. I don't know whether that should happen through the standing committees or through special committees, but I do know it needs to happen... Soon.

South Carolina has been under a State of Emergency for 6 months with no legislative or public input. That has to change.

On motion of Senator M.B. MATTHEWS, with unanimous consent, the remarks of Senator MASSEY, were ordered printed in the Journal.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

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Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Remarks by Senator SHEALY

I will be brief. I would like to say before I start, if and when I'm re-elected, I will listen to all people in my district, regarding of whether they are Republican, Democrat, doctor, lawyer, rich or poor. I want to make that perfectly clear while I'm standing here. They don't have to have a degree or be really smart. I live in Red Bank. We have all classes of people in my district, so we like them all.

But on March 16 of this past year schools in South Carolina closed. In June we had our first report at the Re-Open South Carolina Senate meeting, which Senator PEELER, PRESIDENT of the Senate, appointed. And the Department of Education, Molly Spearman, gave us the report that over 40,000 children had become disconnected with the system. Well, that was a really large number. We became upset, needless to say. Everybody in this room should become upset when we find 40,000 children are not connected with their school system. Well, that number quickly changed. It was changed to 16,000. Then a couple of weeks, or the next week it was 12,000, then it was 6,000. After we narrowed it down, complained a lot and dug into it, on July 22, we got a number of 3,275. This information -- this is very important, so I hope you are listening. This information was handed over to the Department of Social Services. The Department of Education had decided they had done all they could do. Now 3,275 children is a lot of children. When one child is missing, if it is your child, that is a serious situation. If two children are missing, you are on the TV. If 3,275 children -- you don't know where they are, that is a story on the national news somewhere. But what we did is put the Department of Social Services on the case. Today that number -- we all got a message from the Department of Social Services -- that number has been reduced to 60.

The State of South Carolina should be extremely grateful for the coordination of the Department of Social Services, The South Carolina Sherriff's Association and others in mobilizing law enforcement to help with contacting these children. We also extend gratitude to the Department of Social Services staff members across our State who have engaged tirelessly in the work on top of their other assigned caseloads and responsibilities. Many Department of Social Services professionals volunteered their personal time. They went out at nights and on weekends to assist in home visits to make contact with these students. This project would not have been possible without the dedication of these

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front-line state employees. Everyone in this Chamber, and the Chamber across the hall, owes every one of these a great deal of gratitude. I hope we will appreciate them. If you look at your e-mail today, you will see a list of students still missing in your districts. You can contact your school districts. See if you can help with this because this is still important. This is still something we need to work on. Thank you for your time. I appreciate it.

On motion of Senator HUTTO, with unanimous consent, the remarks of Senator SHEALY, were ordered printed in the Journal.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

Remarks by Senator SETZLER

Mr. PRESIDENT and members of the Senate, the Majority Leader and I have had numerous conversations about the lack of consistent information going to the public as it relates to the Pandemic and the citizens' expressed interest in that. This has nothing to do with the Interim Director of the Department of Health and Environmental Control or their Governmental Affairs Director, both of whom work with us on a daily basis. If you pick up the phone and call any of the individuals at the Department of Health and Environmental Control, they are always there to provide assistance.

However, we have been in a Pandemic for six months, and there is, in my opinion, a total lack of consistent information coming from the Department of Health and Environmental Control. At the Department of Health and Environmental Control during this time, we had a director, we had a director on leave of absence, we had a director come back from leave of absence, and we had another director appointed on an interim basis. The State of South Carolina needs a permanent director as head of the Department of Health and Environmental Control. That is a fact. Why do we not have a director?

When the Pandemic first hit, the PRESIDENT of the Senate, the Majority Leader of the Senate and I had 3-4 hours of conference calls every day for 45 days. This included numerous agencies, and we digested a mass of information. Then, suddenly, the calls ceased.

When the Pandemic first hit, we were told that everyone needed to be tested. Then we were told we could not test everyone because we could not get the reagents. After getting the reagents, we were told that we do not have the people to administer the tests. Then we were told there was

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an issue setting up the sites, and we needed to get outside people to administer the tests. Lastly, we were told we could not get the results back. Additionally, after a couple of months whereby we followed one infection tracking model which was trending upwards, the model was changed. We did receive an explanation for it; however, the fact remains that the model was changed. It has been a slow, arduous process getting consistent information which includes information as it relates to the loss of many lives.

On July 19, 2020, we tested 12,698. Now in the middle of September, we are testing 5,000 a day. Last week we tested 3,000 a day. Infection rates are down. They are down because we are not testing. We are not testing because people have lost confidence as testing models, reporting models, and death reporting models have all changed. We just want consistency in what we are told on a daily basis so that South Carolinians can have confidence in the information they are being told.

I offered the proviso to give money for statewide testing for COVID-19 to the Medical University of South Carolina in corporation and collaboration with the Hospital Association and Department of Health and Environmental Control. The law says that the Medical University of South Carolina is in charge of the testing. I submit to you, today, that the Department of Health and Environmental Control is in charge of the testing contrary to what that proviso says. That is a fact. We put in proviso what was to be done with the statewide testing. Why is it not being run by the Medical University of South Carolina?

While we are in a Pandemic, there are other natural disasters facing parts of the country. What if South Carolina was dealing with the wildfires on top of the Pandemic? What if South Carolina was dealing with a hurricane on top of the Pandemic? Do you think we are prepared for either of these?

We need a permanent director who has qualifications and the ability to lead and provide direction. Dr. Bell does a fantastic job for the Department of Health and Environmental Control. Where is she? We need a medical professional to head the Department of Health and Environmental Control and get the job done for South Carolina right now. Again, this has nothing to do with the Interim Director who has publically said that he does not want the director's job. The board has had six months to give us a director. South Carolinians deserve it. If people have confidence in this, they will follow.

If you pick up the State Newspaper you can nearly quote the numbers as they relate to testing, infections, hospitalization, and deaths. People are getting numb to the numbers. However, each individual who lost

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their life to COVID-19 was a precious citizen of this State. They contributed to where we are today in South Carolina. It is tragic that we would lose one, but to lose the number we have is unfathomable. If that is your family member, your friend, your mother, your father, your child, **or** your grandchild, it is more than a number. To me, it is more than a number every day to every one of those individuals. They all are precious to this State. It is past time.

Additionally, the public needs to know and understand where we are headed as it relates to public schools. We were told by the Superintendent of Education that the school district plans were going to be reviewed every couple of weeks. The public does not know what to expect. The public needs to be told -- here are the plans and here is where we need to go. It may or may not be safe to go back to five days a week of in-person instruction, but the plans need to be reviewed every two weeks at a minimum and keep parents updated. Parents are frustrated.

The public deserves answers as it relates to health and education. Just tell us on a daily or weekly basis. As long as I am in this Body, I plan to do everything that I can to protect the health and safety of everyone in this State.

On motion of Senator HUTTO, with unanimous consent, the remarks of Senator SETZLER, were ordered printed in the Journal.

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

RECALLED AND COMMITTED

S. 1213 -- Senator Verdin: A BILL TO AMEND ARTICLE 4, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, BY ADDING SECTION 25-1-442, TO PROVIDE THAT DURING A DECLARED STATE OF EMERGENCY LOCAL GOVERNMENTS CANNOT ADOPT OR ENFORCE LOCAL ORDINANCES THAT CONFLICT WITH PROVISIONS CONTAINED IN THE GOVERNOR'S EXECUTIVE ORDERS REGARDING THE STATE OF EMERGENCY; TO AMEND SECTION 1-3-420 OF THE 1976 CODE, RELATING TO PROCLAMATIONS OF STATES OF EMERGENCY, TO PROVIDE THAT A PROCLAMATION MAY

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NOT REMAIN IN EFFECT FOR LONGER THAN FIFTEEN DAYS, TO PROVIDE THAT A STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; TO AMEND SECTION 25-1-440(a)(2) OF THE 1976 CODE, RELATING TO A DECLARATION OF EMERGENCY FOR A DISASTER, A PUBLIC HEALTH EMERGENCY, OR THE THREAT THEREOF, TO PROVIDE THAT THE STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE OF EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; AND TO AMEND ARTICLE 3, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, BY ADDING SECTION 6-1-410, TO PROVIDE THAT LOCAL GOVERNMENTS CANNOT MANDATE THAT BUSINESS OWNERS REQUIRE PATRONS TO WEAR PROTECTIVE MASKS ON THE BUSINESS' PREMISES.

On motion of Senator RANKIN, with unanimous consent, the Bill was recalled from the Committee on Family and Veterans' Services and committed to the Committee on Judiciary.

RECALLED AND READ THE SECOND TIME

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.

Senator CAMPBELL asked unanimous consent to make a motion to recall the Bill from the Committee on Agriculture and Natural Resources.

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The Bill was recalled from the Committee on Agriculture and Natural Resources and ordered placed on the Calendar for consideration tomorrow.

Senator CAMPBELL 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 CAMPBELL, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading waiving the provisions of Rule 26B.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1273 -- Senator Loftis: A JOINT RESOLUTION TO PROVIDE FULL FACE-TO-FACE INSTRUCTION MUST BE MADE AVAILABLE AS AN OPTION IN ALL PUBLIC SCHOOL DISTRICTS FOR THE DURATION OF THE PERIOD THAT THE GOVERNOR ISSUES EXECUTIVE ORDERS EXERCISING EMERGENCY POWERS CONCERNING COVID-19, SARS, OR BOTH, AND TO PROVIDE ALL EMPLOYEES OF SUCH DISTRICTS MUST BE CONSIDERED ESSENTIAL WORKERS DURING THIS PERIOD.

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Read the first time and referred to the Committee on Education.

S. 1274 -- Senator Peeler: A SENATE RESOLUTION TO RECOGNIZE GOUCHER BAPTIST CHURCH OF GAFFNEY ON THE OCCASION OF ITS TWO HUNDRED FIFTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

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H. 3441 -- Rep. Ott: A BILL TO PROVIDE THAT THE BOARD OF TRUSTEES OF THE CALHOUN COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY, AND TO REPEAL ACT 757 OF 1988.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 5539 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, 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, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE BOBBY YOUNG UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-EIGHT YEARS OF DEDICATED SERVICE TO COLUMBIA HIGH SCHOOL, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5544 -- Reps. Norrell, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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,

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King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, 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, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE ANN S. TAYLOR OF HEATH SPRINGS AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5548 -- Rep. Wooten: A CONCURRENT RESOLUTION TO CONGRATULATE BIBLESTORE OUTLET UPON THE OCCASION OF THE GRAND OPENING OF ITS NEW LOCATION IN LEXINGTON, HELD THURSDAY, SEPTEMBER 10, 2020.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5552 -- Reps. Calhoon, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chellis, Chumley, Clary, 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, 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, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR RHOTEN'S COUNTRY STORE AT THE

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CELEBRATION OF ITS SEVENTY-FIFTH ANNIVERSARY, TO CONGRATULATE THE STORE ON THREE-QUARTERS OF A CENTURY OF OUTSTANDING ENTREPRENEURIAL ENDEAVORS, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5576 -- Reps. Forrest and Caskey: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE U.S. ARMY SERGEANT MAJOR THOMAS PATRICK PAYNE ON BEING PRESENTED THE MEDAL OF HONOR, THE NATION'S HIGHEST AWARD FOR VALOR, FOR HEROIC ACTION DURING A TOUR OF MILITARY DUTY IN NORTHERN IRAQ AND TO EXPRESS TO HIM THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Appointments Reported

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

Statewide Appointment

Initial Appointment, Department of Natural Resources Board, with the term to commence July 1, 2018, and to expire July 1, 2022

7th Congressional District:

Jerry Allen Lee, 2611 Hanna Lake Road, Johnsonville, SC 29555-5241 *VICE* Keith C. Hinson

Received as information.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

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Statewide Appointment

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence May 10, 2018, and to expire February 15, 2022

At-Large:

Nancy Whitworth, 15 Harbor Oaks Drive, Greenville, SC 29609-4949
VICE Kristen E. Blanchard (resigned)

Received as information.

Senator ALEXANDER, with unanimous consent, moved to recall the following from the Committee on Labor, Commerce and Industry:

Statewide Appointment

Initial Appointment, Charleston Naval Complex Redevelopment Authority, with the term to commence upon the date of confirmation and to expire four years from the date of confirmation.

At-Large:

William L. Schachte, Jr., 172 Broad Street, Charleston, SC 29401-2453

Received as information.

Message from the House

Columbia, S.C., September 15, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 5305 -- Reps. Norrell, B. Newton, Yow and Lucas: A BILL TO ESTABLISH COVID-19 VOTING-RELATED PROCEDURES FOR THE 2020 GENERAL ELECTION; TO AUTHORIZE ABSENTEE VOTING FOR ALL QUALIFIED ELECTORS RESIDING OR VOTING IN AN AREA SUBJECT TO A DECLARED STATE OF EMERGENCY; TO ESTABLISH A TIMELINE FOR THE RECEIPT OF COMPLETED ABSENTEE BALLOT APPLICATIONS; TO DELINEATE HOW QUALIFIED ELECTORS MAY SUBMIT COMPLETED ABSENTEE BALLOTS TO THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS; TO ESTABLISH A START DATE FOR IN-OFFICE ABSENTEE VOTING; TO ESTABLISH A TIMELINE FOR THE EXAMINATION OF

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RETURN-ADDRESSED ENVELOPES AND THE TABULATION OF ABSENTEE BALLOTS; TO REQUIRE THAT CERTAIN INFORMATION BE INCLUDED IN THE PUBLIC NOTICE REQUIRED PURSUANT TO SECTION 7-13-35; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP RECOMMENDATIONS TO REDUCE THE SPREAD OF COVID-19 DURING THE 2020 GENERAL ELECTION; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP A VOTER EDUCATION PROGRAM; AND TO PROVIDE THE PROVISIONS OF THIS ACT SHALL APPLY ONLY TO THE 2020 GENERAL ELECTION AND THE PROCESSES NECESSARY TO FINALIZE THE RESULTS.

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 16, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Murphy, Fry and Bamberg to the Committee of Conference on the part of the House on:

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.

Very respectfully,

Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., September 16, 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. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

Very respectfully,

Speaker of the House

Received as information.

Motion Adopted

On motion of Senator MALLOY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE

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SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MALLOY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

On motion of Senator MALLOY, 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.

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HOUSE CONCURRENCES

S. 1251 -- Senator Fanning: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR JUDY C. MCWATERS, DIRECTOR OF THE CHESTER COUNTY VETERANS AFFAIRS OFFICE, ON THE OCCASION OF HER RETIREMENT AFTER FORTY-ONE YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill and Resolution was 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. 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

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THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE AND THE MANNER OF THEIR SELECTION.

On motion of Senator BENNETT.

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.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

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.

On motion of Senator ALEXANDER.

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.

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

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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.

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".

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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.

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.

On motion of Senator ALEXANDER.

SECOND READING BILL

S. 1191 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN A SIGNED PETITION.

On motion of Senator M.B. MATTHEWS.

S. 1191--Ordered to a Third Reading

On motion of Senator M.B. MATTHEWS, S. 1191 was ordered to receive a third reading on Thursday, September 17, 2020.

AMENDED, READ THE SECOND TIME

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,

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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.

The Senate proceeded to a consideration of the Bill.

Senators FANNING and JOHNSON proposed the following amendment (3596R001.SP.MWF), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 12-43-220(d)(4) of the 1976 Code is amended to read:

“(4)(A) Except as provided pursuant to Section 12-43-222, when real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, as evidenced by an action taken by the owner of the real property which is inconsistent with agricultural use, it is subject to additional taxes, ~~hereinafter~~ referred to as ~~roll-back~~ rollback taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized ~~hereunder pursuant to this item~~ and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed as ~~herein~~ provided in this item. If in the tax year in which a change in use of the real property occurs, the real property was not valued, assessed, and taxed under this article, then the real property is subject to ~~roll-back~~ rollback taxes for each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed ~~hereunder pursuant to this item~~. In determining the amounts of the ~~roll-back~~ rollback taxes chargeable on real property which has undergone a change in use, the assessor ~~shall~~ for ~~each of the roll-back~~ rollback tax years involved shall ascertain:

(A)(i) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

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~~(B)(ii)~~ the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

~~(C)(iii)~~ the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under ~~(B)(ii)~~ of this section;

~~(D)(iv)~~ the amount of the ~~roll-back~~ rollback for that tax year by multiplying the amount of the additional assessment determined under ~~(C)(iii)~~ of this section by the property tax rate of the taxing district applicable for that tax year.

(B) For a taxpayer applying real property to a use other than agriculture pursuant to this section, the discounted value allowed pursuant to Section 12-43-225(A) may only apply for three property tax years. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

Senator CAMPSSEN proposed the following amendment (3596R003.SP.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 29 and inserting:

/a use other than agricultural, as evidenced by actions taken by the/

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Sheheen

Total--1

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

H. 3596--Ordered to a Third Reading

On motion of Senator DAVIS, H. 3596 was ordered to receive a third reading on Thursday, September 17, 2020.

OBJECTION

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

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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 FANNING objected to the consideration of the Bill.

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen

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Talley
Williams

Turner
Young

Verdin

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

H. 3800--Ordered to a Third Reading

On motion of Senator CAMPSSEN, H. 3800 was ordered to receive a third reading on Thursday, September 17, 2020.

OBJECTION

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

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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.

Senator HUTTO objected to the consideration of the Bill.

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Davis	Fanning
Gambrell	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy
Turner
Young

Sheheen
Verdin

Talley
Williams

Total--40

NAYS

Corbin

Total--1

ABSTAIN

Cromer

Total--1

The Bill was read the second time, passed and ordered to a third reading.

H. 4663--Ordered to a Third Reading

On motion of Senator DAVIS, H. 4663 was ordered to receive a third reading on Thursday, September 17, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (4938R001.KMM.DBV), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 13 through 15.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

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The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Malloy
Martin	Massey	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Matthews, Margie

Total--1

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

H. 4938--Ordered to a Third Reading

On motion of Senator DAVIS, H. 4938 was ordered to receive a third reading on Thursday, September 17, 2020.

AMENDED, READ THE SECOND TIME

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

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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.

The Senate proceeded to a consideration of the Resolution.

Senator GAMBRELL proposed the following amendment (4940R002.SP.MWG), which was adopted:

Amend the joint resolution, as and if amended, by striking all after the title and inserting:

/Whereas, much of the electric service provided in South Carolina is currently provided by vertically integrated providers of electric distribution and transmission services; and

Whereas, the State recognizes that existing nuclear power plant units in operation and located in this State or in the balancing authority of electrical utilities or public power agencies operating in this State provide an emissions-free generating source of power while also providing employment and economic benefits for a significant number of South Carolinians, and this study is not intended to force divestiture of ownership or cessation or operation of any nuclear power plant unit in operation; and

Whereas, the State has adopted measures to diversify the resources used to reliably meet the energy needs of consumers in the State through Act 62 of 2019 and through other measures; and

Whereas, the adoption of measures to reform the structure of the existing electric generation, transmission, or distribution service may further promote the development of and access to low cost, reliable resources for the benefit of South Carolina consumers; and

Whereas, any electricity sector regulatory framework changes, the restructuring of existing electric transmission service, or joining an existing or creating a new regional transmission organization (“RTO”) may require changes to state law as well as federal authorization. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

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SECTION 1. (A)(1) There is created the Electricity Market Reform Measures Study Committee. The study committee is comprised of eight members:

(a) four members of the House of Representatives, all serving ex officio, appointed by the Chairman of the House Labor, Commerce and Industry Committee; one member shall be a customer of Dominion Energy, one member shall be a customer of Duke Energy, one member shall be a direct-serve customer of the Public Service Authority, and one member shall be a customer of an electric cooperative; and

(b) four members of the Senate, all serving ex officio, appointed by the Chairman of the Senate Judiciary Committee; one member shall be a customer of Dominion Energy, one member shall be a customer of Duke Energy, one member shall be a direct-serve customer of the Public Service Authority, and one member shall be a customer of an electric cooperative.

(2) The study Committee shall meet as soon as practicable after the enactment of this joint resolution to organize and to elect one co-chairman from the Senate appointees and one co-chairman from the House appointees. The co-chairmen shall be elected by a majority vote of the study committee members.

(B) The study committee shall include a non-voting advisory board. The advisory board is comprised of:

(1) the Executive Director of the Office of Regulatory Staff, or her designee;

(2) a representative of AARP South Carolina;

(3) the South Carolina President of Duke Energy, or his designee;

(4) the Chief Executive Officer of the South Carolina Public Service Authority, or his designee;

(5) the President of Dominion Energy South Carolina, or his designee;

(6) two representatives of residential consumers of electricity in South Carolina appointed by the Chairman of the Senate Judiciary Committee;

(7) two representatives of commercial consumers of electricity in South Carolina appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee;

(8) two representatives of industrial consumers of electricity in South Carolina, one of the representatives must be appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee, and one representative must be appointed by the Chairman of the Senate Judiciary Committee;

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- (9) a representative of the Coastal Conservation League;
- (10) a member company of, and appointed by, the South Carolina Solar Business Alliance;
- (11) a member company of, and appointed by, the South Carolina Chamber of Commerce;
- (12) a representative of the South Carolina Electric Cooperatives;
- (13) a representative of Piedmont Municipal Power Agency;
- (14) a representative of the South Carolina Municipal Power Association;
- (15) a member company of, and appointed by, the South Carolina Manufacturers' Alliance;
- (16) a representative of a renewable power developer primarily engaged in the development of utility-scale solar projects appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee;
- (17) a representative of a renewable power developer primarily engaged in the development of residential-rooftop solar projects appointed by the Chairman of the Senate Judiciary Committee;
- (18) a representative of Central Electric Cooperative;
- (19) the South Carolina President of Lockhart Power, or his designee; and
- (20) a representative of the farming or agricultural community appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee.

(C) The nonvoting advisory board members shall be permitted to utilize for study committee-related matters technical support staff, including outside consultants and counsel, from the entity that the member represents.

SECTION 2. (A) For purposes of this section, "RTO" means regional transmission organization or other entity established for the purpose of promoting the efficiency and reliability in the operation and planning of the electric transmission grid and ensuring nondiscrimination in the provision of electric transmission services meeting the minimum criteria established by the Federal Energy Regulatory Commission under 18 C.F.R. Section 35.34.

(B) The study committee shall:

- (1) study whether to recommend any of a variety of electricity market reform measures, encompassing the full range of possible market reforms that may benefit South Carolina consumers including, but not limited to, the following:

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(a) establishing a South Carolina Regional Transmission Organization or an RTO including South Carolina and other Southeastern states;

(b) joining an existing RTO;

(c) establishing an energy imbalance market;

(d) requiring vertically integrated electrical utilities to divest their generation or transmission assets, or both;

(e) enabling full consumer retail electric service choice;

(f) enabling partial consumer retail electric service choice such as nonresidential customer choice;

(g) authorizing community choice aggregation in South Carolina;

(h) redesigning the distribution system operator role in South Carolina to accommodate a modernized distribution grid featuring high levels of distributed energy resources, including exploration of establishing an independent distribution system operator and distribution-level electricity markets;

(i) measures to accelerate reductions in emissions associated with South Carolina's electricity supply;

(j) establishing joint dispatch agreements among state or regional utilities;

(k) other beneficial regulatory framework changes; and

(l) establishing or preserving consumer rate structures that more closely align consumer interests with electric system interests;

(2) study whether the General Assembly should require any electrical utility, electric cooperative, or the Public Service Authority of South Carolina to take actions necessary to implement one or more of the studied electricity market reform measures; and

(3) study the costs and benefits to consumers and the financial and operational impacts to integrated service providers of any market reform measures recommended.

(C) At a minimum, the study shall address the following issues:

(1) the legal and procedural requirements associated with adoption of any recommended electricity market reform measures, including identification of existing laws, regulations, and policies that may need to be amended in order to implement the electricity market reform measures;

(2) the potential costs and benefits to South Carolina electric consumers and ratepayers of each electricity market reform measure studied based on factors including, but not limited to: generation production cost savings, fuel savings, transmission cost savings, battery

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storage, reliability, resiliency, generation resource diversity, generator availability, the promotion and integration of demand response and energy efficiency, deployment of renewable resources, deferral of capital investments, the effect on economic development and retention of industry, stranded costs and regulatory mechanisms to mitigate any stranded costs, and the long-term impact on consumer rates and service quality in the short and long term; and (3) the experience of other states with adopting each electricity market reform measure studied.

(D) By November 1, 2021, the study committee shall issue a report on its work to the General Assembly that may include recommendations that the State take action or not take action on any of the market reform measures studied. A recommendation that the State take action shall be based upon a finding by a majority of the voting members that one or more electricity market reform measures is in the public interest, taking into consideration expected consumer costs and benefits of the electricity market reform measures, and is otherwise consistent with the provision of reliable, safe, and low cost electric service to ratepayers in South Carolina and within the balancing authority of the electrical utility.

(E) If the study committee recommends that the State take action, the report issued by the study committee shall include draft legislation and identify requirements that should be established, as applicable, that, including, but not limited to:

(1) promote:

(a) the reliable planning, operating, maintaining, and upgrading of the transmission and distribution systems and any necessary additions;

(b) the safe, reliable, and efficient operation of transmission and distribution systems; and

(c) policies for the pricing and access for service over such systems that are not unduly discriminatory and are consistent with the orderly development of competition in the State;

(2) are consistent with lawful requirements of the Federal Energy Regulatory Commission regarding the establishment of an RTO, if applicable; and

(3) generally promote the public interest and are consistent with:

(a) ensuring that consumers' needs for economic and reliable electric service are met, including creating cost savings and reduced electric rates over the long term for consumers as compared to maintaining the status quo; and

(b) meeting the transmission and distribution needs of electric generation suppliers and consumers both within and without this State and respective balancing authorities, including those that do not own,

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operate, control, or have an entitlement to transmission and distribution capacity.

SECTION 3. The study committee shall retain a third-party, independent, expert consultant or consultants to advise the study committee and issue its own opinion as to what market reform measures studied, if any, benefit South Carolina consumers. The third-party, independent, expert consultant or consultants must advise on the economic costs and benefits of each course of action and also must make its recommendation to the study committee. The third-party, independent, expert consultant or consultants must be selected by the co-chairmen of the study committee. Engagements procured under this provision are exempt from the South Carolina Procurement Code.

SECTION 4. The Electricity Market Reform Measures Study Committee shall dissolve and terminate upon its submission to the General Assembly of the committee's final report.

SECTION 5. This joint resolution takes effect upon approval by the Governor and is contingent upon appropriations by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

The question being the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice

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Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

H. 4940--Ordered to a Third Reading

On motion of Senator RANKIN, H. 4940 was ordered to receive a third reading on Thursday, September 17, 2020.

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

WEDNESDAY, SEPTEMBER 16, 2020

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 4

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--34

NAYS

Cash	Corbin	Loftis
Rice		

Total--4

The Bill was read the second time, passed and ordered to a third reading.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

NONCONCURRENCE

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

WEDNESDAY, SEPTEMBER 16, 2020

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.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MASSEY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 41

AYES

Total--0

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

On motion of Senator MASSEY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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 under the provisions of Rule 1B.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tracy Bomar-Howze, 715 Creekbridge Drive, Rock Hill, SC 29732-9169

Reappointment, Berkeley County Master-in-Equity, with the term to commence November 7, 2020, and to expire November 7, 2026

Dale E. VanSlambrooke, P. O. Box 609, Monks Corner, SC 29461-0609

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Otis Prioleau, 1128 Universal Circle, Saint Stephens, SC 29479-3648

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

William D. Wilson, Jr., 114 Fairhaven Dr., Goose Creek, SC 29445-8002

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

WEDNESDAY, SEPTEMBER 16, 2020

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Zebbie Dee Goudelock of Newberry, S.C. Zebbie was a member of the Newberry City Council where he served for thirty years. He was an active member of St. Matthew Baptist Church where he served as chairman of the deacon board, treasurer, superintendent of Sunday school and sang in the male chorus. Zebbie was a loving husband, devoted brother and faithful servant of Newberry who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Ethel Louise Brewer of Columbia, S.C. Judge Brewer was a member of Brookland Baptist Church. She was a former professor and college administrator before being appointed to serve as a Summary Court judge in Richland County. Judge Brewer presided over the county Bond Court at Alvin S. Glenn Detention Center. Judge Brewer was a wonderful woman who served her county and State well and will be dearly missed.

and

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable David C. Waldrop, Jr. of Newberry, S.C. David served in the South Carolina House of Representatives from 1981 - 1997. He also served on the Newberry County Council and the Newberry County Council on Aging for over thirty years. David was an avid Clemson fan. David was a loving husband, devoted father and doting grandfather who will be dearly missed.

WEDNESDAY, SEPTEMBER 16, 2020

ADJOURNMENT

At 4:10 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow under the provisions of Rule 1B.

Thursday, September 17, 2020
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator HARPOOTLIAN. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Commission for the Blind, with the term to commence May 19, 2020, and to expire May 19, 2024

7th Congressional District:

Susan L. John, 3755 Cedar Creek Run, Little River, SC 29566-8435

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, Commission for the Blind, with the term to commence May 19, 2020, and to expire May 19, 2024

3rd Congressional District:

Catherine C. Olker, 295 Todds Creek Road, Central, SC 29630-9457

Referred to the Committee on Family and Veterans' Services.

MESSAGE FROM THE PRESIDENT

The following appointment was transmitted by the Honorable Harvey S. Peeler, Jr.:

Initial Appointment, State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

Seat: Senate Majority

William Aiken Russell, 108 President Circle, Summerville, SC 29483
VICE Samuel L. Erwin (resigned)

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Referred to the Committee on Judiciary.

Message from the House

Columbia, S.C., September 16, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Reappointment, Berkeley County Master-in-Equity, with term to commence November 7, 2020, and to expire November 7, 2026:

Dale E. VanSlambrooke, P.O. Box 609, Moncks Corner, S.C. 29461

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 1191 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN A SIGNED PETITION.

On motion of Senator M.B. MATTHEWS.

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. 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.

On motion of Senator CAMPSSEN.

THURSDAY, SEPTEMBER 17, 2020

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.

On motion of Senator DAVIS.

HOUSE BILLS RETURNED

The following Bills and Resolution were read the third time and ordered returned to the House with amendments:

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.

On motion of Senator DAVIS.

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.

On motion of Senator DAVIS.

THURSDAY, SEPTEMBER 17, 2020

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.

On motion of Senator RANKIN.

NONCONCURRENCE

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.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

On motion of Senator MASSEY, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 17, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

THURSDAY, SEPTEMBER 17, 2020

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.

asks for a Committee of Conference, and has appointed Reps. G.M. Smith, Clyburn and Finlay to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators ALEXANDER, SHEHEEN and DAVIS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

ADJOURNMENT

At 11:07 A.M., on motion of Senator JACKSON, the Senate adjourned to meet Tuesday, September 22 at 12:00 P.M.

* * *

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.

TUESDAY, SEPTEMBER 22, 2020

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.

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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

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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	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Talley
Turner	Verdin	Williams
Young		

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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.

Remarks by Senator JOHN MATTHEWS

Good evening. Mr. PRESIDENT, one whom I have come to admire. I appreciate your friendship and guidance over the years. To all the other members of the Senate, I want to thank you for your support, and for your guidance and leadership. It has made a difference in my life. I hope it made a difference in the lives of the people I served. I wrote out a very specific speech, but as I stand here and listen to all the personal accomplishments that were made by the other Senators, I thought I might want to just talk about my personal history and the friendships I have gained. I also want to thank my good friend former Senator Kay Patterson who is here and was my seatmate that I had to put up with for 25 years -- listening to some enlightening speeches. Senator Patterson did a good job when he served in this Body and I want to thank him for that.

I have been tremendously blessed to be here as a member of the South Carolina Senate -- to have come here from a small town in Orangeburg County called Bowman that many of you probably never visited. If not,

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I hope you have a chance to before you leave this earth because we need your help. I have had some unique experiences in this Body and in the General Assembly. I was first elected to the House of Representatives in 1974, and began serving in 1975. At that time, the President of the Senate was Marion Gressette. He was a member of the Orangeburg Legislative Delegation. The seat that I now hold was his seat at that time. The way that came to be was a unique experience, and I have been thinking about that these past few days. In 1984 when they passed Senate reapportionment and Senator Gressette was President of the Senate, I was one of three legislators appointed to the reapportionment committee to represent the House. A conference committee was appointed because the House rejected the Senate's proposal. When the conference committee reached a compromise, I went home that night as a resident of Senator Marshall William's district. Shortly after, Senator Gressette died and Senator Williams became President of the Senate. About two weeks later another agreement was reached, and I then became a resident of Senator Gressette's district.

After the compromise, the NAACP filed a lawsuit and the Senate asked me to represent them in court because everybody was given one person who could testify, and the NAACP asked me to be their witness. So for two hours, I represented the Senate and for another two hours, I represented the NAACP on the same day. After the case was settled, the seat I now hold and three others were created in the South Carolina Senate. I have fond memories of me and those three colleagues serving in this Body and making a difference in the lives of the people we served.

Again, I have been tremendously blessed. I never would have believed that a young kid from the small town of Bowman would wind up here in the South Carolina Senate. But I am here, and that's what happens in this great country of ours. I've seen a lot of progress made, and a lot of differences worked out. I have always believed that if you are willing to compromise, willing to work with the other side, sometimes you can work things out -- things you thought you would never be able to work out. Reasonable people can work out most anything they want to.

As a young kid, I shined shoes in my father's barbershop. My mother was a schoolteacher who taught school for 42 years and graduated during the Great Depression. My father was an entrepreneur contractor and a barber. He ran a barbershop. As a young kid in an African American community, Senator PEELER, you could not listen to old folks talk. But in the barbershop, you could listen. And I can remember the difficult times that people would be talking about in our community. And

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listening to those conversations let me know that there was something wrong in the world; but I was too young to know exactly what it was and what to do about it. The first time I saw a grown man cry, it was a man named Deacon Davis. He was in my dad's barbershop and he was crying because he had been instrumental in organizing a local NAACP chapter and all of his and the other farmers' credit was cut off as punishment.

Two weeks before I filed to run for office I was at my farm and I saw a truck at the end of the field. I drove my tractor over to it and it was Deacon Davis, and he was happy. He told me he had talked to all of his friends and we were going to win my race for the Senate. I went from seeing that man cry years earlier to being happy years later. I will be forever grateful to know that I played a small role in that. That was a small part of the journey that I have gone through to get to this place to serve the citizens of this great State.

I would like to take this opportunity to give you, my colleagues, a small piece of advice. I have been in office for 46 years and there is something that I've learned since my first day in office. People will forget what you say. People will forget what you do. However, people will never forget how you treated them and how it made them feel. Make it a habit to treat people fairly and respectfully, in particular your constituents. Be open and objective to them. You will find that longevity in public office can be yours.

A young man from Bowman never would have believed that he would have his portrait hanging in this Chamber. It was beyond my wildest dream -- never even thought about it. But it shows you what can happen in this country, and the changes that we have gone through. Senator Patterson, we've made progress, but there's still a ways to go. So let us continue to fight, continue to dialogue and work with each other for the betterment of the citizens of this State.

As I go and leave this place for the last time, I want to say thank you. I want to say God bless you. And know that you can always work out a compromise. Once I objected to a gun bill that was introduced by a Senator from Spartanburg. And on the day before the last day of that session, that Senator and I were in the men's room washing our hands. He asked me about my objection to the Bill. I told him my concerns and we were able to reach a compromise and I removed by objection.

I told that story to say this, reasonable people can compromise. As I say good-bye, remember to stand firm in your principles. Look at the needs of this State and help it to continue to grow and prosper. When all of South Carolina's citizens benefit, that is progress. Thank you and Godspeed.

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On motion of Senator SETZLER, with unanimous consent, the remarks of Senator JOHN MATTHEWS were ordered printed in the Journal.

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 GREGORY 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.

Remarks by Senator CAMPBELL

It has truly been a pleasure the last thirteen and a half years that I have had the honor to serve in the South Carolina Senate representing Senate District 44. I will miss you guys, but not as much as I hope you'll miss me!

It has been fun and an honor to serve in the South Carolina Senate. I want to tell you a little bit about me. I am from Chester, South Carolina. I graduated third in my class and barely made the top 10%. There were only 13 people in my graduating class. I will tell you this too, at Clemson

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I was very fortunate to get out of Chemical Engineering, and I would not have finished my last year without my dear wife, Vicki. There were 125 of us who graduated in my class. I feel good about what we as a class have been able to do. I am the past Chairman of the South Carolina Chamber of Commerce and the South Carolina Manufacturers Alliance. I was the first one to do both. I learned early on the importance of a job. There is only one social program that is worth two cents, and that is having a job. That is true for everybody.

How I got to the South Carolina Senate is another story. About two days after Senator Bill Mescher passed away, who was a friend, I got a call from Governor Edwards, who said, "You need to run for this Senate seat. I said, "Why?" Governor Edwards told me that the seat was made for me! I got a \$500 check in the mail for Campbell for Senate. We started figuring out how I could run for office. Vicki and I got out, bought a golf cart and I got up every morning and waved on corners. I won handily in the general election, and I have been here ever since. I have made many friends up here. Everybody in this Chamber is a friend -- the folks behind me and the folks in the Gressette Building. It has been the highest honor I can think of to serve in the South Carolina Senate. The Governor always told me that there is nothing like the South Carolina Senate. It is the best club in the world! You heard Senator GREGORY say the same thing. It is an honor to be here, and it is an even greater honor to serve in a Chamber that is more issue related than partisan related. I hope that we are going to keep it that way. We have a PRESIDENT who knows what he is doing, most of the time!

Senator PEELER and I are lucky we got in Clemson when we did! We probably would not make the selection to get in now. If you look at Senator LEATHERMAN up here, you look at our majority leader, Senator MASSEY-- who we was elected the same year as me in 2007-- and over here with Senator SETZLER -- we have great leadership in this Chamber. We work together. We make things happen for the good of South Carolina. I have a fabulous staff in my office. I will tell you right now that Carol DuBose, who has worked with me since I became a Senator, is probably the finest person I have ever had doing constituent service. She does a great job in everything she does for me, and has since I came to the Senate. She follows up, and makes things happen. She is there every day, keeps me on schedule and does a lot of good and outstanding work. Olivia Burns has done a fabulous job in litigation, not legislation. I do not want to talk to any of my lawyer friends in here about that. As far as legislative issues, she takes care of me, keeps me on schedule and tells me what to say and everything else. Having Olivia

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has been fabulous for that support. I cannot thank those two enough. Leadership is special and that is why it is so special in the Senate. I love what the legislature does here. I love the laws we make. I love the difference we make in the lives of South Carolinians. I want to keep that up. I would not be here without the woman sitting back here. She is special to me. We have been married a long time. I'm not going to say how long because if I do she will shoot me because she doesn't look like she is as old as I am, fortunately!

Keep your focus on everything that you are supposed to do in this Chamber. I will not spend a lot of time up here. I will tell you what was told to me a couple of times about a senate district; half the people in that district think they can do better than what you do. You know that. The other half thinks anybody can do what you do better than you do, so those are the ones you have to worry about. Vicki and I have a home at Clemson. We love going to basketball games and we really love football. We were up there and I think we saw a number one draft choice or two. I think next year you are going to see some of them playing on Sundays. I look forward to that, but thank you so much and go Tigers. Thank you.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator CAMPBELL were ordered printed in the Journal.

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

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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.

Remarks by Senator GREGORY

Thank you, Mr. PRESIDENT. I appreciate the opportunity to address my colleagues one last time, although this is my second farewell address. Just like my name, it is redundant. I have been thinking for a few days about what I would say to you all. I will go back to the beginning. I was elected in 1992, which was the year of Ross Perot. Nobody wanted to vote for incumbents so I rode in on that movement. Sometimes it is better to have the wind at your back to attain an office. I came in 1993 with a big class of twelve members. Only three of those members remain, Senator RANKIN, Senator JACKSON, and myself. After his year, there will only be two, which is fitting. I think those two were probably seen as the top of that class when it came in. My suitemate when I first arrived in the Senate was Senator PEELER. That was definitely an education.

I thought one day I would want to sit on the front row in the Senate, but I actually like sitting on the back row. When I first came to the Senate, a couple of people I really admired sat on the back row. They were Arthur Ravenel and Alex Macaulay. Alex had a great wit. He would sit on the back row and pepper people at the podium with questions they had a difficult time answering.

I remember the best speech I ever gave in the Senate. I have not given many so it is a short list. The best speech was probably my first speech, which was maybe a month or two after my election. We took up the red-hot debate of video poker. Video poker was a scourge in the upstate in the border counties. I gave a speech about the evils of video poker and everybody said it was a great speech -- patting me on the back. It went to my head pretty quick. I sat down and the debate went on after my speech. I was sitting back where Senator CLIMER is sitting now. Senator John Land was up here. He was on the other side of the issue. I was preparing myself to get up and ask him a question to pin him down. At the time, I did not know what a great country lawyer he was. We were debating this issue of how many video poker machines you could have in a building. Everybody could see the scheme was you have eight machines in each building. Then you have a building with about six compartments and forty-eight machines total. There would not be any

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change at all regarding the number of machines. I got up to ask Senator Land this question. I said, "Senator I cannot understand. How can it be constitutional, how can it be fair or right to have an arbitrary eight poker machines and one compartment in one building? You could not have just eight lawyers in one building." He replied, "Senator, lawyers don't pay off."

I thought I would talk about some of the portraits on the wall; portraits of Senators I have admired over the years. I had the good fortune of coming to the Senate when some of the World War II generation was still serving up here on the front row. Senator Marshal Williams was PRESIDENT *Pro Tempore* of the Senate at that time and Chairman of the Judiciary Committee for many years. I believe he was elected in 1946. I remember on the Judiciary Committee back then there were only eighteen members, so you sat around the top row. I do not think there was a bottom row in the Judiciary conference committee room then. There were eighteen seats. I was the junior-most member on the Committee. The way that Senator Williams went about picking subcommittees, is there were no standing subcommittees. Selection was a whim as to who would be on each subcommittee. When he got ready to pick a subcommittee, I leaned back in my chair behind the Senator next to me; I leaned back so he would not see me. That is how it was done back then. Of course, Senator HUTTO took his place and knew him for many years.

The Senator I think I admired the most during my time here was Senator Drummond. Senator Drummond was a real hero to me. I grew up as a child worshipping WWII fighter pilots. I always had an interest in aviation and WWII. Senator Drummond was a real fighter pilot. He flew P-47 Thunderbolts. He was awarded the Distinguished Flying Cross. He was shot down and taken prisoner of war. I remember when things got heated here; he would come up to the podium and talk about what it was like to be in the German POW camp when things got heated and calm us all back down.

Senator LEATHERMAN's picture is at the top of the Chamber. Senator LEATHERMAN has plenty of critics and I have been one on occasion. Senator LEATHERMAN gets plenty of criticism but one thing he does not get credit for, and we do not get credit for is South Carolina is one of just twelve states with a AAA credit rating. That means we are better off financially than probably 80% of the states out there. People who are moving into South Carolina criticizing our government probably came from a state doing far less well than South Carolina regarding their credit rating. I think that is going to be important in the coming decade,

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which is going to be the decade of debt with a lot of resulting fallout. I think that we are well positioned to withstand it.

I was also thinking of some of the great and colorful orators. I see one on the back row, Senator Patterson. How many times did I listen to him speak? Senator Patterson always had a way of entertaining people. Senator Glenn McConnell was probably the smartest person I served with, and Arthur Ravenel, such a colorful person-- throwbacks to the Senators of old. I remember when Senator Ravenel was in the State Senate; he left to go to congress, and then came back to the Senate. He said the South Carolina Senate was the best political job he ever had. I think Carroll Campbell said the same thing.

Overall, during my time in the Senate I think our greatest achievement was the Heritage Act. Even if it does not seem so in hindsight and with everything going on today, I think it was the Senate's greatest achievement during my time. The Heritage Act is a flawed document as all legislation is. But, if you were not here during that time, you cannot really understand how the debate over the battle flag consumed the Senate for years on end. The topic really kept us from getting to other substantive issues. My good friend Senator John Courson was an architect of that Bill along with, I think, five other Senators. As I said, it is far from perfect, but it forced us all to spend political capital for the greater good. It was not easy. Over the history of South Carolina, Senators have grappled with much more significant or difficult issues than the battle flag, but at that point in time, that was "the issue." People would chase me down the street to talk to me about the flag. I do not think there has been an issue before or since that really galvanized the public on one side or the other. I think we did the right thing after many years of debate. I do not think there was perhaps a greater moment in my time in the Senate than when black and white Senators were holding hands and praying for a solution to this issue that paralyzed us for years.

I think what makes South Carolina special and what makes the South Carolina Senate special and unlike any other political body is the camaraderie among the members. This is a political institution where the Majority and Minority Leaders still talk to each other almost every day. They also talk to each other in person and on the phone, not just at each other through television and social media as we see in so many other political bodies in our country, unfortunately. I was watching "60 Minutes" Sunday night and they had General H.R. McMaster on there, a person who has led troops in combat in Iraq and Afghanistan. He's had a number of jobs in addition to being a general and most recently National Security Advisor. He was saying that partisanship in the United

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States is tearing the country apart and being exploited by our enemies in China and Russia. It used to be that we were all aligned against Russia. Now Russia is exacerbating the political divide in our country. This Body should do all it can to not enhance that trend but to curb it.

I want to mention the portrait of Mary Gordon Ellis, the first female Senator in South Carolina. That portrait was an initiative of Senator Holly Cork who was my original desk mate in the Senate. I will tell you an interesting bit of trivia about Mary Gordon Ellis. She defeated my great grandfather for the Jasper County Senate Seat in 1932. My mother is from Ridgeland in Jasper County. My great grandfather is originally from Abbeville and moved to Jasper County in 1912, I think just before it became a county. He served two stints here like I have and a couple of terms in the House. He was defeated by Mary Gordon Ellis in 1928 and, according to legend, his in-laws voted for her which would have made interesting Sunday afternoon conversation. He then defeated her in 1936.

Jasper County is a place that I consider home in addition to Lancaster. I was born in Lancaster. I live about a mile from where I was born, but I spent a good portion of my childhood in Jasper County. My mother never really liked living in Lancaster because she missed the Lowcountry. Most weekends we would be in the station wagon driving down Highway 601 and Highway 21 through Camden, Eastover, Bamberg -- stopping at Piggy Park in Orangeburg -- Branchville, Smoaks and on to Ridgeland and the Hamlet of Grahamville. Senator MARGIE BRIGHT MATTHEWS probably knows where Grahamville is -- just outside of Ridgeland.

This area gave me a special connection to the next person I would like to speak of, the next portrait, which is of course Senator Clementa Pinckney who was my desk mate in 2011. Sometimes I wonder if Senator Pinckney was perfect. Of course, he was not. Nobody is perfect, but he was close to it in my eyes. He was the epitome of grace, of dignity, generosity, reverence, and certainly kindness. Yet his life was tragically cut short by a madman with a gun that he should not have had. It is sad that five years later we have been unsuccessful in preventing similar tragedies by passing a law to keep guns out of the hands of people that legally should not be able to possess them. Just as Dylann Roof legally should not have been able to get the gun that he used to kill Senator Pinckney and eight other people.

People ask me often why I came back to the Senate. Let me conclude my remarks with that and a couple other things. When I came back to the Senate, I did not actually have intentions in doing so. A friend of

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mine was running in a race against four other people. He was my choice to take the seat after Mick Mulvaney's election to Congress. He got sick during the campaign so he dropped out and there was not anybody left among the others with experience. I came back the hard way, through a primary with four others and then a general election. I really was interested in coming back because the delegation did not have much experience at that time and I thought they could use mine. I wanted to help USC Lancaster with proper funding, which it had never really received. For the last two years, USC Lancaster ranked as the number one two-year school in the country, something of which I am proud. I wanted to pass a plan to improve the Department of Transportation -- fix and expand our roads, which I thought was the most important issue at the time. Government restructuring was important as well and now all of those things are accomplished.

Lancaster is the 27th fastest growing county in the country, which is something that makes me proud. Growth is important but so is conserving what we have. I've had the opportunity to work on some notable conservation measures in my second stint here. In addition to asking you all to preserve the camaraderie of this institution, I also ask you to continue to preserve what makes South Carolina special in the natural world.

So, finally, people ask me why I came back and they ask me why I am leaving. I am fond of a quote from the Stoic, Seneca, who said 2,500 years ago, "It is as difficult to leave a political court as it is to enter one." All of you as Senators know what it takes to get here and to stay here. It is not easy to stay but it is difficult leaving, too. I do leave with mixed emotions but think that someone else will better serve the citizens at this time.

Lastly, as far as what I will miss, I will miss engaging in debate, especially when I have the upper hand. Senator SETZLER, you know what that is like. When you know you are in the right and the other person is in the wrong and you've got them on the run; that is a nice feeling. I will miss the staff, the staff up on the desk, the security staff, and the staff in the Gressette Building. I have had opportunity to work with hundreds of people in my career. I do not know of any finer people than the staff from the South Carolina Senate. I will miss the cloak room, the ballroom between the Chambers, springtime on the grounds, and walking down a resurgent Main Street to the Duck-In. I will miss the banter on the back row and my friends. Most of all, I will miss all of you and I wish you the best and hope that our paths cross in future years.

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On motion of Senator SETZLER, with unanimous consent, the remarks of Senator GREGORY were ordered printed in the Journal.

On behalf of the Governor Henry D. McMaster, the PRESIDENT presented the Order of the Palmetto to Senator GREGORY.

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

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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

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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

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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.

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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.

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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 CAMPSSEN, 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

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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 CAMPSSEN 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	<i>Matthews, Margie</i>
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 CAMPSSEN, 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.

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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

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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). /

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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	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Talley

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Turner
Young

Verdin

Williams

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,

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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

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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

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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

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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

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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

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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.

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(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.

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(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.

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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.

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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

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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.

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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	<i>Matthews, Margie</i>
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

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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	<i>Matthews, John</i>	<i>Matthews, Margie</i>
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.

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RECESS

At 1:45 P.M., on motion of Senator PEELER, the Senate recessed 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

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AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, Margie</i>	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

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Malloy	Massey	<i>Matthews, Margie</i>
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:

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(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).

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(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

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~~(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

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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
Sen. Katrina Frye Shealy
/s/Sen. Tom Young Jr.
On Part of the Senate.

/s/Rep. Chris Murphy
Rep. Russell W. Fry
/s/Rep. Justin T. Bamberg
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.

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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

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Kimpson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, Margie</i>
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.

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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

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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	<i>Matthews, Margie</i>
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.

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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.

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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

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AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Kimpson
Leatherman	Loftis	Massey
<i>Matthews, Margie</i>	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:

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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

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.

* * *

Wednesday, September 23, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Genesis 2:2a

“And on the seventh day God finished the work that he had done, and he rested...”

Let us pray. Gracious Lord, as we reflect on the many accomplishments of our Senators this year, we remember the difficulty in which they had to labor in the midst of a pandemic.

We are thankful for their good health and for their unwavering commitment to the many committee meetings and budget decisions that have rested on their shoulders. Equally, we do thank You for staff, family and business associates who have supported them in their work through such an unexpected schedule.

Soon grant these leaders a measure of rest and renewal, for they most assuredly deserve it. By Your grace encourage them and strengthen them in the days ahead with Your peace and Your blessing. In Your holy name we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 10:06 A.M., Senator SETZLER 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:

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Local Appointments

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Cassandra Keller, 165 Blair Road, St. Matthews, SC 29135-8539

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Peter Brandt Shelbourne, 116 South Oak Street, Summerville, SC 29483

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Janice Simmons, 262 Mallard Road, Summerville, SC 29483-7937

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jacquelyn G. Jenkins, 1819 Community Dr., Reevesville, SC 29471

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485-8480

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Victor G. Stephens, 205 Bryant Street, St. George, SC 29477-2364

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Valerie Lawrence, 108 Ty Drive, Eutawville, SC 29048-8973 *VICE* Jacob Gillens, Sr.

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael Murphy, 129 Royal Troon Court, Summerville, SC 29483-5137

Leave of Absence

At 10:07 A.M., Senator GROOMS requested a leave of absence for Senator VERDIN for the day.

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Leave of Absence

At 10:07 A.M., Senator HEMBREE requested a leave of absence for Senator BENNETT for the day.

Leave of Absence

At 10:13 A.M., Senator TURNER requested a leave of absence for Senator SHEALY for the day.

Leave of Absence

At 10:13 A.M., Senator TURNER requested a leave of absence for Senator TALLEY until 10:40 A.M.

Leave of Absence

At 10:40 A.M., Senator FANNING requested a leave of absence for Senator McLEOD until 11:01 A.M.

Leave of Absence

At 11:18 A.M., Senator M.B. MATTHEWS requested a leave of absence for Senator KIMPSON for the day.

Leave of Absence

At 3:10 P.M., Senator MALLOY requested a leave of absence for Senator MARTIN for the balance of the day.

Leave of Absence

At 3:56 P.M., Senator YOUNG requested a leave of absence for Senator TALLEY for the balance of the day.

Leave of Absence

At 7:20 P.M., Senator WILLIAMS requested a leave of absence for Senators SCOTT and J. MATTHEWS for the balance of the day.

Leave of Absence

At 7:20 P.M., Senator FANNING requested a leave of absence for Senator McLEOD for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bill:
S. 1259 Sens. Campsen and Young

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OBJECTION

H. 3199 -- Reps. Govan, Clyburn, Gilliard and Garvin: A BILL TO AMEND SECTION 59-29-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTRUCTIONAL TOPICS REQUIRED IN HIGH SCHOOL FINANCIAL LITERACY PROGRAMS, SO AS TO ALSO REQUIRE INSTRUCTION ON THE TOPICS OF COLLEGE AND EDUCATION LOANS, KEY LOAN TERMS, MONTHLY PAYMENT OBLIGATIONS, REPAYMENT OPTIONS, CREDIT, AND EDUCATION LOAN DEBT.

Senator HEMBREE asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

Senator MALLOY objected.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session.

RECALLED, AMENDED, READ THE SECOND TIME

H. 3780 -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 59 SO AS TO CREATE THE "GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM", TO FACILITATE THE DEPLOYMENT OF BROADBAND TO UNSERVED AREAS OF THE STATE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY FUND, TO PROVIDE THAT ANY PROPERTY OWNED BY A MUNICIPALITY MAY BE LEASED OR RENTED IN CERTAIN SITUATIONS, TO PROVIDE THAT A MUNICIPALITY-OWNED UTILITY MAY BE LEASED, TO PROVIDE THAT A MUNICIPALITY IS AUTHORIZED TO SELL OR LEASE ANY PUBLIC ENTERPRISE THAT IT OWNS, TO PROVIDE THAT THE STATE SHALL ALLOW COLLOCATION, INSTALLATION, AND OPERATION OF CERTAIN EQUIPMENT BY A BROADBAND PROVIDER ON ANY EXISTING STRUCTURES, AND TO PROVIDE FOR A MONTHLY 911 SERVICE CHARGE; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 7, TITLE 59 AS "ARTICLE 1, GENERAL PROVISIONS".

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Senator RANKIN 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 today.

Senator RANKIN asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

Amendment No. 1

Senators RANKIN, LEATHERMAN, SCOTT, SETZLER, MALLOY, ALEXANDER, SHEHEEN, DAVIS, GAMBRELL, MATTHEWS, HUTTO, CLIMER, HEMBREE, HARPOOTLIAN, SABB, JACKSON, NICHOLSON, BRIGHT-MATTHEWS, WILLIAMS, JOHNSON, ALLEN, GOLDFINCH, GROOMS and FANNING proposed the following amendment (JUD3780.002), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Article 25

Broadband Accessibility Act

Section 58-9-3000. (A) This article shall be known as the ‘Broadband Accessibility Act’.

(B) The General Assembly finds that:

(1) Despite the substantial efforts and billions of dollars invested by existing broadband service providers, locations within the state still lack access to broadband service, particularly in rural areas where the cost to deploy facilities is significantly higher than in more densely-populated areas.

(2) Because the lack of broadband facilities and services in certain areas deprives citizens residing in those areas from access to opportunities, the state needs to take action to correct and eliminate discrepancies in access to broadband facilities and services.

(3) With this chapter, the General Assembly intends to authorize electric cooperatives to (a) invest in or deploy broadband facilities and (b) provide broadband service in this state, while ensuring that appropriate protections are in place to ensure that electric cooperatives do not have an unfair competitive advantage over other broadband

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service providers, and that the provision of broadband service by electric cooperatives does not unduly burden their electric service customers.

(4) It is the public policy of this state to encourage and facilitate the development and investment in broadband facilities in order to facilitate access to broadband services at all locations in the state, as this development is vital and necessary to induce, create, and promote industrial and economic development and to create job opportunities, enhance health care, and enhance educational advancement in the state.

(5) It is the public policy of this state to encourage continued and expanded investment in broadband infrastructure in this state by existing and new broadband providers.

(6) It is the public policy of the state to promote the authorization of advanced communications capabilities to be installed within existing easements and other rights-of-way in a manner that protects the rights of landowners.

(7) It is the public policy of this state to promote the efficient deployment of broadband facilities in the state.

(8) Utilizing electric easements to provide broadband services, especially existing overhead or underground facilities, does not change the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of real property subject to the easement, or place any additional burdens on the property interests of an owner or occupier. Consequently, the installation and operation of broadband services within the easements are merely changes in the manner or degree of the granted use as appropriate to accommodate a new technology and, absent any applicable express prohibition contained in the instrument conveying or granting the easement, shall be deemed as a matter of law to be permitted use within the scope of every such easement.

(9) The provisions of this chapter are reasonably related to the legislative objective of facilitating access to broadband services in unserved areas throughout the state.

Section 58-9-3010. As used in this article, unless the context otherwise requires:

(1) ‘attached facility’ means a broadband facility or a broadband network or any portion of a broadband network, in each case located substantially:

(a) aboveground and attached to an electric cooperative’s electric service infrastructure; or

(b) underground in an electric easement.

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(2) ‘broadband affiliate’ means a broadband service provider that is a separate legal entity from any electric cooperative but is wholly or partially owned by one or more electric cooperatives, or is controlled by, controls, or is under common control with one or more electric cooperatives.

(3) ‘broadband facility’ means any infrastructure used to deliver broadband service or for the provision of broadband service.

(4) ‘broadband network’ means any and all infrastructure, equipment, materials, or component parts thereof that may be used to provide landline or wireless broadband service, whether now existing or that may be developed in the future including, but not limited to, wires; cables, including fiber optic and copper cables; conduits to the extent not prohibited by the National Electric Safety Code; antennas; equipment; fixtures; switching multiplexers; poles; routers; switches; servers; appurtenances; facilities; or other equipment, whether ancillary, auxiliary, or otherwise used to facilitate the provision of landline or wireless broadband service.

(5) ‘broadband service’ means a landline or wireless service that meets the definition of ‘broadband service’ in Section 58-9-10(17) and that has minimum download speeds of 25 megabits per second and minimum upload speeds of 3 megabits per second.

(6) ‘broadband service provider’ means:

(a) a person that provides retail broadband service to end-user customers; and

(b) an existing broadband service provider.

(7) ‘commission’ means the Public Service Commission of South Carolina.

(8) ‘communications service provider’ means a person that provides communications service as defined in Section 58-9-2610(B).

(9) ‘electric easement’ means a recorded or unrecorded easement or right-of-way or similar right in or to real property, including prescriptive rights, no matter how acquired, held by any electric provider for the siting of electric service infrastructure or for the purpose of delivering electric service, regardless of whether an electric cooperative’s broadband affiliate or another broadband service provider uses the easement or other right to provide broadband service.

(10) ‘electric cooperative’ means an electric cooperative organized under Chapter 49 of Title 33.

(11) ‘electric provider’ means an electric cooperative, an investor-owned electric utility, and the South Carolina Public Service Authority.

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(12) 'existing broadband service provider' means a person that was providing broadband service as defined in Section 58-9-10(17) on the effective date of this article.

(13) 'FCC' means the Federal Communications Commission or its successor.

(14) 'make-ready' means the modification or replacement of an electric cooperative's infrastructure or of the lines or equipment on the electric cooperative's infrastructure to accommodate additional attached facilities.

(15) 'person' means any natural person and any firm, association, corporation business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic.

(16) 'retail broadband service' means any broadband service other than that provided for:

- (a) the internal use of an electric cooperative;
- (b) the internal use of another electric cooperative;
- (c) resale by another electric cooperative or other broadband service provider; or
- (d) use as a component part of communications services that other cable, telecommunications, or information services providers offer to their customers.

Section 58-9-3020. (A) Subject to the limitations set forth in this article, and in addition to all other purposes, powers, and authority currently granted to electric cooperatives under the laws of this state, an electric cooperative may do all of the following within areas in which it is authorized to provide electric service, and within such other areas as provided in subsection (B):

- (1) own, maintain, construct, install, and replace broadband facilities;
- (2) contract with a broadband service provider, including a broadband affiliate, to own, lease, manage, construct, superintend, install, operate, maintain, and replace a broadband network;
- (3) provide retail broadband service only through a broadband affiliate; and
- (4) contract with a broadband service provider that is not a broadband affiliate to provide retail broadband service to electric cooperative customers in compliance with the provisions of this article, provided however that nothing in this article is intended to nor shall it be construed as regulation of the rates, terms, and conditions of retail broadband service to end-user customers.

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(B) An electric cooperative may provide retail broadband service only within:

(1) areas in which it is authorized to provide electric service and areas within two miles of an authorized electric service area;

(2) census block groups for federal funding programs in which the electric cooperative has been designated as a recipient for federal or state funding provided that:

(a) the funding is provided through a structured and defined program;

(b) the program is open to broadband service providers including, but not limited to, electric cooperatives offering broadband pursuant to this article; and

(c) the program is intended to support the deployment of broadband facilities or broadband service for unserved consumers;

(3) census blocks for state funding programs in which the electric cooperative has been designated as a recipient for federal or state funding provided that:

(a) the funding is provided through a structured and defined program;

(b) the program is open to broadband service providers including, but not limited to, electric cooperatives offering broadband pursuant to this article; and

(c) the program is intended to support the deployment of broadband facilities or broadband service for unserved consumers.

(C) In order to assist an electric cooperative in the planning, engineering, construction, extension, provision, operation, repair and maintenance of broadband facilities, an electric cooperative or its broadband affiliate is authorized to:

(1) apply for, accept, repay, and utilize loans, grants, and other financing from any person; and

(2) enter into contracts, agreements, partnerships, or other types of business relationships with any person.

(D) This article does not require or obligate an electric cooperative to install or implement a broadband network or facilities or to provide broadband service; provided, however, nothing in this subsection relieves an electric cooperative from complying with the provisions of Section 58-9-3030(A) and (B).

(E) A broadband affiliate shall only serve the purposes of developing, providing, furnishing, or promoting broadband facilities and broadband services or a combination of such purposes.

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Section 58-9-3030 (A) An electric cooperative shall provide communications service providers, including any broadband affiliates of such electric cooperative, with nondiscriminatory access in offering or granting rights to install or attach any attached facilities, including the right to use easements and rights-of-way, and must offer just, reasonable, and nondiscriminatory rates, fees, charges, terms, and conditions for attached facilities to communications service providers, which must pay such charges and comply with such terms and conditions. Access includes the right to nondiscriminatory use of all easements and rights-of-way and to all poles, ducts, conduits to the extent not prohibited by the National Electric Safety Code, and similar support structures owned or controlled by the electric cooperative or, if applicable, its broadband affiliate, including access to the replacement or expansion of such facilities for the purpose of attaching equipment for the provision of broadband service.

(1) Except as expressly provided otherwise, nothing in this article alters, amends, or otherwise affects the provisions of any agreement that, as of the effective date of this article, addresses the attachment or placement of facilities by communications service providers on or in the poles or structures of an electric cooperative.

(2) Notwithstanding subitem (1), a communications service provider may submit to an electric cooperative a written request to negotiate agreements addressing the attachment or placement of facilities, after the date of the written request, by the communications service provider on or in the existing or new poles or structures of the electric cooperative. Unless the communications service provider and the electric cooperative agree otherwise, such agreements must not address facilities that were attached or placed prior to the date of the written request to negotiate. The parties must negotiate in good faith for at least sixty days after the written request, after which either party may petition the commission to determine just and reasonable rates, terms, and conditions for the agreements. The commission must make such determination within one hundred eighty days of the filing of the petition for that determination and the commission's determination must apply retroactively to all facilities attached or placed between the date of the written request to negotiate and the date of the commission's determination. Between the date of the written request to negotiate and the date of the commission's determination:

(a) the terms and conditions of any existing agreement addressing such attachments or placements apply, subject to true-up, to put the parties in the positions in which they would have been had the

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commission's determination been in effect on the date of the written request to negotiate; and

(b) in the absence of such existing agreement, unless the parties agree otherwise, the commission, within thirty days of the petition for a determination, must establish interim rates, terms, and conditions that will apply, subject to true-up, to put the parties in the positions in which they would have been had the commission's determination been in effect on the date of the written request to negotiate.

(B)(1) Except as provided in item (2), an electric cooperative shall not withhold authorization or delay its decision to provide authorization to a communications service provider to install, maintain, own, operate, or use the communications service provider's attached facilities on electric service infrastructure owned or controlled by the electric cooperative. A communications service provider shall not delay installation, maintenance, or relocation of attachments owned or controlled by the communications service provider on infrastructure owned or controlled by an electric cooperative except as may be required by law, regulation, or agreement. All review by an electric cooperative of requests by a communications service provider to attach facilities, make-ready activities, and all pole or support structure replacement or expansions undertaken pursuant to this section shall be completed by the electric cooperative, its broadband affiliate, or by the communications service provider, as applicable, within the timeframes and other make-ready requirements set forth in 47 C.F.R. §1.1411 under federal law for utilities subject to regulation by the FCC pursuant to the Federal Pole Attachments Act (47 U.S.C.A. § 224) as it exists on September 15, 2020, unless the commission finds, upon petition by the electric cooperative, its affiliate, or the communications service provider that the public interest and necessity require an extension of such timelines.

(2) A request to utilize poles, ducts, or conduits under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities, provided the communications service provider pays the reasonable and actual cost of the pole owner caused by its attachment.

(C)(1) An electric cooperative that provides any broadband facility or any broadband service that is not retail broadband service to a broadband affiliate or to any other person or entity must do so pursuant to a written contract, at market rates, and on terms and conditions that are not harmful to competition. Within fifteen business days of entering any such

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contract, an electric cooperative must file notice of the contract with the commission in a docket designated by the commission. If, after consultation with the electric cooperative that has filed such notice, a communications services provider believes the electric cooperative has violated the provisions of this subsection, a communications services provider may submit a complaint pursuant to the provisions of Section 33-49-150 asserting that the electric cooperative has violated the provisions of this subsection. Upon submitting such complaint, the electric cooperative must provide any relevant contracts to the communications services provider pursuant to a nondisclosure agreement. If the communications services provider and the electric cooperative cannot agree to the terms of a nondisclosure agreement within ten days after the submission of the complaint, either may petition the commission to determine the terms and conditions of such nondisclosure agreement and the commission must do so within ten days of the filing of the petition. No complaint submitted pursuant to this subsection shall be the subject of a motion to dismiss or a motion to stay or otherwise delay the proceedings for failure to set forth sufficient factual allegations to support the claim until fifteen business days after the communications service provider submitting the complaint has been provided any relevant contract. If the complaint results in a contested case before the commission, the electric cooperative subject to the complaint and the communications service provider submitting the complaint shall be permitted to conduct discovery in accordance with the commission's rules and regulations. The Office of Regulatory Staff is given authority to investigate such complaints and the commission is given authority and jurisdiction to resolve any disputed issues concerning such complaints. For the purposes of determining whether a contract is harmful to competition pursuant to this subsection:

(a) the commission may consider whether the contract is exclusive, but the exclusivity of a contract does not, in and of itself, constitute harm to competition; and

(b) any contract that by its own terms is available for adoption by any communications service provider is, by operation of law, at market rates and on terms and conditions that are not harmful to competition.

(2) The notice requirements of item (1) do not apply to:

(a) broadband services or broadband facilities that are provided for the internal electric operations use of the electric cooperative or another electric cooperative; or

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(b) any agreements entered into prior to the effective date of this article.

(3) No sooner than five years from the effective date of this article, on petition by any interested party, the commission may consider whether there remains a continued need for the notice filing requirements of item (1) and, if it determines that the need no longer exists, the commission may terminate the notice filing requirement of item (1).

(D)(1) Except as otherwise provided in this article, a communications service provider that has attached, or applied to attach, facilities on electric cooperative infrastructure shall abide by the terms, conditions, and schedules required of them in pole attachment agreements and will transfer its attached facilities to new or updated electric cooperative infrastructure in accordance with the terms, conditions, or schedules required therein, or, in the absence of any such terms, conditions or schedules, transfer its attached facilities to new or updated electric cooperative infrastructure within a reasonable amount of time.

(2) A communications service provider that has attached, or applied to attach, facilities on electric cooperative infrastructure and the electric cooperative must cooperate with the owner of the pole and all other attaching entities in good faith to fully comply with National Electric Safety Code requirements for electric infrastructure attachments.

(3) Except in compliance with the provisions of a written agreement that provide otherwise, a communications service provider must not attach to electric cooperative infrastructure without the knowledge and permission of the electric cooperative.

(E) An electric cooperative shall not directly provide retail broadband service but may cause or allow a broadband affiliate to offer retail broadband service. As long as an electric cooperative maintains its exclusive right to provide electric service to customers within its exclusive service territory, both the electric cooperative that has a broadband affiliate and the broadband affiliate shall:

(1) maintain or cause to be maintained an accounting system for the broadband affiliate separate from the electric cooperative's accounting system, following generally accepted accounting principles or another reasonable and customary allocation method;

(2)(a) not cause or allow the electric cooperative to use its exclusive right to provide electric services within its exclusive territory to cross-subsidize the broadband affiliate or its provision of broadband service. To prevent cross-subsidization between broadband service

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activities and electricity service activities, any electric cooperative with a broadband affiliate that provides retail broadband service shall:

(i) fully allocate all costs of electricity service activities and broadband service activities, including costs of any shared services between electricity service activities and broadband affiliate broadband service activities in accordance with:

(A) the provisions of this section; and

(B) the applicable uniform system of accounts and generally accepted accounting principles that are applicable to electric cooperatives under federal and state laws, rules, and regulations;

(ii) not charge any costs of broadband service activities to the electricity service customers of such electric cooperative.

(A) Costs of broadband service activities do not include the appropriate costs of construction, installation, attachment, operation, management services, administrative services, repair, and maintenance of the facilities or infrastructure associated with the portion of communications infrastructure and facilities or services that are used by the electric cooperative for internal information and control technology systems necessary for the provision of electricity services.

(B) The electric cooperative must charge its broadband affiliate, and the broadband affiliate must cover in the prices it charges for its broadband services, amounts that fully compensate the electric cooperative for the direct, indirect, and shared costs associated with the portion of the infrastructure and facilities or services that are used by the broadband affiliate. Such costs are not limited to marginal or incremental costs but instead must include the appropriate costs of construction, installation, attachment, operation, management services, administrative services, repair, and maintenance of the facilities or infrastructure regardless of whether they are in the space apportioned for electric, communications, or any other facilities or structures;

(iii) not use below-market loans or below-market funding from programs that are not intended to support the deployment of broadband facilities or broadband service in order to support broadband facilities or to provide broadband service unless the electric cooperative or its broadband affiliate imputes the difference between market rates and the below-market loans or below-market funding into the costs of its broadband facilities and broadband service. The provisions of this subitem (iii) shall not apply to loans or funding from programs that are intended to support the deployment of broadband facilities or broadband service.

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(b) Nothing in subsection (E)(2) prohibits an electric cooperative from:

(i) loaning funds to a broadband affiliate if the interest rate on the loan is no less than the electric cooperative's lowest cost of capital;

(ii) exchanging services or materials for other services or materials of equivalent value;

(iii) providing reduced-cost broadband service to low-income retail customers; or

(iv) conducting and funding due diligence, operational analysis, entity set-up, and associated noncapital expenditures relating to and prior to the establishment of a broadband affiliate.

(F) The commission and the Office of Regulatory Staff have the authority and jurisdiction set forth in Section 33-49-150(b) to enforce compliance with this section with regard to communications services providers, electric cooperatives, and broadband affiliates that conduct any activities addressed by this section.

(G) Nothing in this article:

(1) subjects an electric cooperative to regulation by the FCC;

(2) constitutes an exercise of, or an obligation or intention to exercise, the right of a state under 47 U.S.C. Section 224(c) to regulate the rates, terms, and conditions for pole attachments, as defined in 47 U.S.C. Section 224(a)(4); or

(3) constitutes a certification, or an obligation to certify, to the FCC under 47 U.S.C. Section 224.

Section 58-9-3040. (A) If the owner of an interest in real property subject to an electric easement contends that the owner's property has been taken, destroyed, or physically damaged by the construction, installation, use, or enlargement of broadband networks within the electric easement on the owner's property that is not expressly provided for by the terms of the electric easement, the owner may file a civil action in the circuit court for the county in which the property is located to recover damages as specified by this section. All such actions must be brought within two years after the later of:

(1) the effective date of this article; or

(2) the date broadband networks are first constructed or installed within the electric easement on the owner's real property. Nothing in this article shall revive any right or remedy which may have become barred by lapse of time or by any law of this state prior to the effective date of this article.

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(B)(1) In any action under subsection (A), if the court determines that the construction, installation, use, or enlargement of a broadband network exceeds the scope of the rights granted under the provisions of this section or by the electric easement on the owner's real property, the measure of damages shall be an amount equal to the difference, if any, between the following:

(a) the fair market value of the owner's real property immediately before the construction or installation of broadband networks within the electric easement on the owner's real property; and

(b) the fair market value of the owner's real property immediately after the construction or installation of broadband networks within the electric easement on the owner's real property and taking into account the incidental benefits to the owner's property resulting from the potential availability of broadband services to the property.

(2) Any decreases in the fair market value of owner's property which are not attributable to the construction or installation of broadband networks within the electric easement on the owner's real property shall not be included for purposes of calculating damages in item (1).

(3) The damages, if any, shall be fixed as of the date of construction or installation of broadband networks and shall not be deemed to continue, accumulate, or accrue. The judgment in any such action for the plaintiff shall include the plaintiff's costs and litigation expenses. Costs and litigation expenses authorized by this section may be claimed, taxed, and awarded under the same procedures that apply to costs in other civil actions. Payment of the judgment in any such action shall vest in the electric provider or electric cooperative all property rights necessary to construct, use, install, operate, replace, and maintain, from time to time, the broadband networks within the electric easement on the owner's real property and the electric easement shall be thereafter permanently expanded to include the right to construct, use, install, operate, replace, and maintain the broadband network and broadband services. The judgment shall have the same effect as a conveyance executed by the owner in due form under applicable law and shall run with the land. A certified copy of the judgment may be filed by the electric provider or electric cooperative, a broadband affiliate, or other broadband operator in the land records of the county in which the subject property is located, but is not required to make such broadening of the electric easement effective. The expansion for the broadband network shall include the broadband network within the maintenance, egress, and ingress provisions of the electric easement.

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(C) Evidence of past, current, or future revenues or profits derived or to be derived by an electric provider, electric cooperative, broadband affiliate, or unaffiliated broadband operator or broadband service provider from providing broadband services is not admissible for any purpose in an action under this section.

(D) An owner bringing an action under this section may not bring an action on behalf of a class or in any other representative capacity or any form of collective action. The limitation in this subsection is a substantive limitation and allowing an owner to bring a class action or other representative action for a violation of this chapter would abridge, enlarge, or modify the substantive rights created by this section.

(E) An electric provider, electric cooperative, broadband affiliate, or unaffiliated broadband operator or broadband service provider may receive such rights from an owner of real property by service agreement or service regulation, membership agreement, license agreement, or other agreement to serve the property with advanced communications capabilities without granting an easement or right-of-way. The grant or agreement may permit the construction, installation, replacement, operation, use, and maintenance of the advanced communications capabilities on the property without the requirement of further consent of any other tenant, concessionaire, or occupant of that property.

(F) With respect to the installation of broadband networks within an electric easement in effect prior to the effective date of this article, the electric provider or electric cooperative shall provide the same notice as is required by the express terms of the electric easement, if any, or as required by other applicable law for the construction or installation of the electric delivery network within the electric easement. With respect to the installation of broadband networks within an electric easement that is acquired other than by condemnation after the effective date of this article, the electric provider or electric cooperative shall provide such notice as is required by the express terms of the document creating the electric easement, if any; or under applicable law. Notice shall be sufficient if mailed to the name and address of the owner or owners listed in the real property ad valorem tax records for the county where the real property is located. Nothing in this section shall require the notice from the electric provider or electric cooperative when the electric easement is acquired by condemnation or pursuant to an expansion of the electric easement by civil action commenced by the owner.

(G) Nothing in this article shall be deemed to relieve the broadband operator, broadband service provider, electric provider, or electric cooperative from liability for bodily injury or physical damage to real or

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personal property located adjacent to the electric easement, subject to the limitations set forth in this article.

Section 58-9-3050. (A) An electric cooperative may not condition the receipt of electric service on, nor provide more favorable terms for electric service for, persons that receive broadband service from the electric cooperative's broadband affiliate or any other broadband service provider.

(B) An electric cooperative may not share confidential information from an unaffiliated communications service provider obtained in a pole attachment request and approval process including, but not limited to, requested locations for pole attachments, the locations of customers to be served, or any identifying information regarding customers with its broadband affiliate or any other communications service provider.

(C) An electric cooperative shall not disconnect any customer from receiving electric services based on the customer's failure to pay for broadband service provided to the customer by the electric cooperative's broadband affiliate."

SECTION 2. Section 33-49-20 of the 1976 Code is amended to read:

"Section 33-49-20. In this chapter, unless the context otherwise requires:

(1) 'person' includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic;

(2) 'member' means each incorporator of a cooperative and each person admitted to and retaining membership therein and shall include a husband and wife admitted to joint membership;

(3) 'articles of incorporation' includes the articles of conversion of a converted corporation;

(4) 'commission' means the South Carolina Public Service Commission;

(5) 'corridor' means the area within 300 feet of an electric supplier's distribution lines as described in Act 432 of 1969;

(6) 'broadband affiliate' is as defined in Section 58-9-3010(2);

(7) 'broadband network' is as defined in Section 58-9-3010(4);

(8) 'broadband service' is as defined in Section 58-9-3010(5).

Corporations organized under this chapter and corporations which become subject to this chapter in the manner provided herein are hereinafter referred to as 'cooperatives'."

SECTION 3. Section 33-49-150 of 1976 Code is amended as follows:

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“Section 33-49-150. (a) The Office of Regulatory Staff under the provisions of this section is hereby vested with the authority and jurisdiction to make inspections, audits, and examinations of electric cooperatives pursuant to the provisions of Chapter 4, Title 58 relating to the compliance of electric cooperatives with the provisions of Sections 33-49-255, 33-49-280, 33-49-420, 33-49-430, 33-49-440, 33-49-450, 33-49-610, 33-49-615, 33-49-620, 33-49-625, 33-49-630, 33-49-640, 33-49-645, 33-49-1410, 33-49-1420, 33-49-1430, 33-49-1440, 58-27-820, and 58-27-840. The Office of Regulatory Staff is granted authority and jurisdiction over electric cooperatives that provide only wholesale services with regard to any of the foregoing statutory provisions to the extent that those provisions are applicable to the wholesale electric cooperatives. The Office of Regulatory Staff does not have the authority or jurisdiction to make inspections, audits, or examinations of subsidiaries of an electric cooperative provided that the subsidiary is not subsidized by, or any financial credit risk to, electric cooperative ratepayers and that the subsidiary has not taken action, on behalf of the electric cooperative, on any of the electric cooperative's duties as provided in the sections listed above. Where an electric cooperative board of trustees has exercised its business judgment in accordance with sound business and management practices and consistent with the long-term financial stability of the cooperative and the benefit of its members, the Office of Regulatory Staff is not authorized to disturb the resulting decisions of the electric cooperative board of trustees. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the electric cooperative and attempt to resolve with the management and board any compliance issues that are identified. The commission is vested with the authority and jurisdiction to resolve any disputed issues arising from the inspections, audits, or examinations.

(b) The Office of Regulatory Staff is further vested with the authority and jurisdiction to make inspections, audits, and examinations sufficient to ascertain the compliance of communications service providers, electric cooperatives, and broadband affiliates with the provisions of Sections 58-9-3030 and 58-9-3050. For inspections, audits, and examinations executed in accordance with this subsection, the following procedures apply:

(1) Consistent with the powers provided in Section 33-49-150(b), the Office of Regulatory Staff shall make an inspection, audit, and examination upon the issuance of a complaint, submitted to the Office of Regulatory Staff, by a communications service provider, broadband

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affiliate, or electric cooperative that has reason to believe a violation of Sections 58-9-3030 or 58-9-3050 is occurring or has occurred. To the extent that a communications service provider is an attacher only, the Office of Regulatory Staff shall confine their inspection, audit, and examination to the attachers compliance with attacher obligations pursuant to applicable laws, regulations, and agreements. The Office of Regulatory Staff shall provide notice of the complaint to each communications service provider, broadband affiliate, or electric cooperative named in the complaint. The provisions of Section 58-4-55 including, but not limited to, the treatment of information deemed confidential or proprietary, shall apply to any such inspections, audits, and examinations. Information deemed confidential or proprietary must be made available to other parties or to the complaint only pursuant to the terms and conditions of an appropriate nondisclosure agreement. If the parties cannot agree to such terms and conditions, the commission shall provide the parties an opportunity to be heard and then establish the terms and conditions of an appropriate nondisclosure agreement.

(2) Unless the parties to the complaint agree otherwise, the Office of Regulatory Staff must complete its inspection, audit, and examination within forty-five days of issuance of the complaint initiated by a communications service provider, electric cooperative, or a broadband affiliate. Upon completion of an authorized inspection, audit, and examination, the Office of Regulatory Staff must report its findings to the management and board of the electric cooperative, broadband affiliate or the communications service provider that is the subject of the complaint and to the party that made the complaint. The Office of Regulatory Staff will attempt to resolve with the management and board of the electric cooperative, broadband affiliate, or the management of the communications service provider any compliance issues that are identified. The commission is vested with the authority and jurisdiction, upon the filing of a complaint, to determine any disputed issues arising from the inspection, audit, and examination and any issues arising from or under the provisions of Sections 58-9-3030 and 58-9-3050 that are not resolved pursuant to subsection (b). In determining such issues, and only to the extent necessary to resolve such disputed issues, the commission is granted authority and jurisdiction over any and all electric cooperatives, broadband affiliates, and communications service providers that conduct any activities pursuant to Sections 58-9-3030 and 58-9-3050.

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(3) The commission must enter a final order deciding a complaint filed with the commission pursuant to subsection (b)(2) within ninety days of filing.

(4) Except as expressly provided in subsection (b), nothing in subsection (b) expands, diminishes, or otherwise affects any existing jurisdiction of the commission.”

SECTION 4. Sections 33-49-250(10) and (11) of the 1976 Code are amended to read:

“(10) to conduct its business and exercise any or all of its powers within or without this State; ~~and~~

(11) to do and perform any and all other acts and things and to have and exercise any and all other powers which may be necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized; ~~and~~

(12) to wholly or partially own, lease, maintain, construct, install, operate and replace a broadband network directly or indirectly as provided for and subject to the limitations and requirements set forth in Article 25, Chapter 9 of Title 58.”

SECTION 5. Title 58, Chapter 31 of the 1976 Code is amended by adding:

“Section 58-31-230. (A) As used in this section, unless the context otherwise requires:

(1) ‘unaffiliated communications service provider’ means a ‘communications service provider’, as defined under Section 58-9-3010(8), and including, but not limited to, electric cooperatives and their broadband affiliates, that is not controlled by or under common control with the Public Service Authority.

(2) ‘excess fiber capacity’ means fiber optic capacity owned or controlled by the Public Service Authority, constructed to provide internal communications in support of the provision of electric services, and that is unused, available, and in excess of the capacity needed by the Public Service Authority, including its reserve margins, for its internal communications in furtherance of its provision of electric service.

(B) Subject to the provisions set forth in this section, the Public Service Authority shall only lease excess fiber capacity that is used for providing any broadband service to a third party through an arrangement in which the unaffiliated communications service provider provides the broadband service.

(C) The Public Service Authority may cause or allow unaffiliated communications service providers to lease excess fiber capacity through an arrangement in which the unaffiliated communications service

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provider uses such capacity to provide broadband service; provided such lease shall, subject to the requirements of Section 58-31-30(a)(13), charge rates, fees, or other charges on a nondiscriminatory basis pursuant to a written contract, at market rates and on terms and conditions that are not harmful to competition.

(D) With regard to the lease of excess fiber capacity pursuant to subsection (C), the Public Service Authority must:

(1) submit rates, terms, and conditions to the Office of Regulatory Staff for review and comment;

(2) post rates, fees, and other charges along with terms and conditions on its publicly available website;

(3) within fifteen business days of entering any written contract post conspicuous notice of the contract on its publicly available website; and

(4) within ten days after a written request, make each contract for the lease of excess fiber capacity available for public inspection on an unredacted basis.

(E) Nothing in this section conveys or confers any implied or express grant of authority to the Public Service Authority to directly provide broadband service or act as a broadband service provider, as these terms are defined in Section 58-9-3010(5) and (6) and any legal rights which may or may not belong to the Public Service Authority related to broadband services, if any, are neither expanded nor contracted by this section.

(F) To the extent the Public Service Authority determines, in its sole discretion, to provide any communications service provider, including, without limitation, electric cooperatives and their broadband affiliates, access to any pole, duct, conduit, easement, or right-of-way owned or controlled by the Public Service Authority, for the purpose of providing retail broadband service, it must provide such access to any other communications service provider for the purpose of providing retail broadband service on a nondiscriminatory basis and subject to the Public Service Authority's terms and conditions. Nothing in this section shall prohibit the Public Service Authority from denying access to a pole, duct, or conduit if it determines there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles. The terms of this subsection (F) shall not apply to leasing by the Authority of excess fiber capacity.

(G) The Administrative Law Court shall have authority and jurisdiction to enforce compliance with this section.

(H) Nothing in this section:

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- (1) subjects the Public Service Authority to regulation by the FCC;
- (2) constitutes an exercise of, or an obligation or intention to exercise, the right of a state under 47 U.S.C. Section 224(c) to regulate the rates, terms, and conditions for pole attachments, as defined in 47 U.S.C. Section 224(a)(4); or
- (3) constitutes a certification or an obligation to certify to the FCC under 47 U.S.C. Section 224.”

SECTION 6. This act does not convey or confer any implied or express grant of authority to an investor owned electric utility to provide broadband facilities or broadband services as defined in this act and any legal rights which may or may not belong to investor owned electric utilities to provide broadband facilities or broadband services at the time of the passage of this act are neither expanded nor contracted by its passage.

SECTION 7. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin

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Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--39

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 3780--Ordered to a Third Reading

On motion of Senator RANKIN, with unanimous consent, H. 3780 was ordered to receive a third reading on Thursday, September 24, 2020.

RECALLED, AMENDED, READ THE SECOND TIME

H. 4262 -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G.R. Smith, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO PROVIDE, AMONG OTHER THINGS, THAT CERTAIN AGREEMENTS OR ENACTMENTS PERTAINING TO THE DEPLOYMENT OF SMALL WIRELESS FACILITIES THAT DO NOT COMPLY WITH CERTAIN PROVISIONS OF THIS ACT MUST BE DEEMED INVALID AND UNENFORCEABLE BEGINNING OCTOBER 1, 2019; TO PROVIDE THAT CERTAIN UNITS OF LOCAL GOVERNMENT "AUTHORITIES" WITH CONTROL OVER RIGHTS OF WAY MAY NOT PROHIBIT,

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REGULATE, OR CHARGE FOR THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES; TO PROVIDE THAT SMALL WIRELESS FACILITIES MUST BE CLASSIFIED AS PERMITTED USES AND NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER SPECIFIED CIRCUMSTANCES; TO PROVIDE REQUIREMENTS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND ISSUANCE OF PERMITS FOR COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE AUTHORITIES TO ALLOW THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES UNDER SPECIFIED CIRCUMSTANCES; TO PROHIBIT AUTHORITIES FROM REGULATING THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY SMALL WIRELESS FACILITY IN SPECIFIED CIRCUMSTANCES; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS JURISDICTION TO RESOLVE ALL DISPUTES ARISING UNDER THE ACT; AND TO PROHIBIT AN AUTHORITY FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY THE AUTHORITY OR ITS OFFICERS OR EMPLOYEES AND FROM NAMING THE AUTHORITY AS AN ADDITIONAL INSURED ON A WIRELESS PROVIDER'S INSURANCE POLICY.

Senator GAMBRELL 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 today.

Senator GAMBRELL asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

Amendment No. 4262

Senators GAMBRELL, GOLDFINCH, HUTTO, SAAB, and CLIMER proposed the following amendment (JUD4262.008), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Chapter 11, Title 58 of the 1976 Code is amended by adding:

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“Article 5

Small Wireless Facilities Deployment Act

Section 58-11-800. (A) This article must be known and may be cited as the ‘South Carolina Small Wireless Facilities Deployment Act’.

(B) The General Assembly finds that:

(1) the deployment of small wireless facilities and other next-generation wireless and broadband network facilities is a matter of statewide concern and interest;

(2) wireless and broadband products and services are a significant and continually growing part of the state’s economy; accordingly, encouraging the development of strong and robust wireless and broadband communications networks throughout the state is integral to the state’s economic competitiveness;

(3) rapid deployment of small wireless facilities serves numerous important statewide goals and public policy objectives including, but not limited to, meeting growing consumer demand for wireless data, increasing competitive options for communications services available to the state’s residents; promoting the ability of the state’s citizens to communicate with other citizens and with their state and local governments; and promoting public safety;

(4) small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are deployed most effectively in the right-of-way (ROW);

(5) to meet the key objectives of this article, wireless providers must have access to the ROW and the ability to attach to infrastructure in the ROW to densify their networks and provide next generation wireless services;

(6) uniform rates and fees for the permitting and deployment of small wireless facilities in the ROW and on authority infrastructure, including poles, throughout the State is reasonable and encourages the development of robust next-generation wireless and broadband networks for the benefit of citizens throughout the State;

(7) the procedures, rates, and fees in this article are fair and reasonable when viewed from the perspective of the state’s citizens and the state’s interest in having robust, reliable, and technologically advanced wireless and broadband networks; and reflect a balancing of the interests of the wireless providers deploying new facilities and the interests of authorities in recovering their costs of managing access to the ROW and the attachment space provided on authority infrastructure in the ROW; and

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(8) this article supersedes and preempts any enactment by an authority that contradicts, expands, contracts, or otherwise modifies the provisions of this article with respect to the regulation of the placement of small wireless facilities and of support structures and poles for small wireless facilities in the ROW; provided however, that nothing in this item limits any power granted to any authority under this article including, but not limited to, the power to enforce city-wide compliant provisions in previous enactments, so long as those provisions do not violate federal law.

Section 58-11-810. For purposes of this article:

(1) ‘Antenna’ means:

(a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; and

(b) similar equipment used for the transmission or reception of surface waves.

(2) ‘Applicable codes’ means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this article.

(3) ‘Applicant’ means any person that submits an application.

(4) ‘Application’ means a request submitted by an applicant to an authority:

(a) for a permit to collocate small wireless facilities; or

(b) to approve the installation, modification, or replacement of a pole.

(5) ‘Authority’ means any county, municipality, or consolidated government or any agency, district, subdivision or instrumentality thereof.

(6) ‘Authority pole’ means a pole owned, managed, or operated by or on behalf of an authority, provided however, that an authority pole not shall not include any pole, support structure, electric transmission structure, or equipment of any type that is part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation.

(7) ‘Collocate or collocation’ means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a support structure or pole.

(8) ‘Communications facility’ means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C.

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Section 522(5); a provider of ‘video service’ as defined in S.C. Code Ann. Section 58-12-300(10); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless service; surface wave communication, or other one-way or two-way communications service.

(9) ‘Communications network’ means a network used to provide communications service.

(10) ‘Communications service’ means cable service as defined in 47 U.S.C. 522(6), information service as defined in 47 U.S.C. 153(24), telecommunications service as defined in 47 U.S.C. 153(53), or wireless service.

(11) ‘Communications service provider’ means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider.

(12) ‘Compliant provision’ means a provision or regulation in an enactment applicable to poles, support structures, replacement poles, and small wireless facilities that:

(a) addresses only: aesthetics, design, concealment, or stealth requirements that are technically feasible and technologically neutral; decorative poles; underground districts; design districts, or historical districts;

(b) is reasonable;

(c) is published within thirty days prior to becoming applicable with regard to any wireless provider; and

(d) is not an effective prohibition of service that is prohibited by federal law.

(13) ‘Decorative pole’ means an authority pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility, public safety devices, or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal rules or codes.

(14) ‘Design district’ means a discrete area within the jurisdiction of the authority that is clearly defined in an enactment published at least thirty days before it becomes effective, and for which the authority

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maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis among all occupants of the ROW, on the grounds that the characteristics of the discrete area warrant design and aesthetic standards that differ from those that apply to the vast majority of the areas within the jurisdiction of the authority.

(15) ‘Design manual’ means a binding measure adopted by an authority that sets forth examples of small wireless facility deployments that the authority deems to comply with this article.

(16) ‘Enactment’ means any ordinance, rule, policy, design manual, or equivalently binding measure adopted by an authority.

(17) ‘FCC’ means the Federal Communications Commission of the United States.

(18) ‘Fee’ means a one-time, nonrecurring charge.

(19) ‘Historic district’ means a group of buildings, properties, or sites that is either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

(b) a registered historic district pursuant to state law at the time the permit for the small wireless facility or pole is submitted; or

(c) an overlay zone, as defined in and limited by Section 6-29-720(C)(5):

(i) that has been established by the authority with regulatory control of zoning within the specified geographic area at least sixty days prior to the relevant application;

(ii) for which the special public interest to be protected is the preservation and protection of historic and architecturally valuable districts and neighborhoods or archaeologically significant resources according to uniform design standards; and

(iii) for which the authority maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

(20) ‘Law’ means an enactment or a federal or state law, statute, common law, code, rule, regulation, or order.

(21) ‘Micro wireless facility’ means a small wireless facility that meets the following qualifications:

(a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

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(b) any exterior antenna that is no longer than eleven inches.

(22) 'Network interface device' means the telecommunications demarcation device and cross connect point demarcating the boundary with any wireline backhaul facility and which is on or adjacent to the pole or support structure supporting the small wireless facility.

(23) 'Permit' means a written authorization, in electronic or hard copy format, required to be issued by an authority to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole upon which a small wireless facility is to be collocated.

(24) 'Person' means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(25) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way including, but not limited to, a replacement pole and an authority pole. A 'pole' shall not include a support structure or electric transmission structure.

(26) 'Rate' means a recurring charge.

(27) 'Right-of-way' or 'ROW' means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property; provided, however, that such term shall apply only to property or any interest therein that is under the ownership or control of an authority and shall not include property or any interest therein acquired for or devoted to a federal interstate highway.

(28) 'Small wireless facility' means radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred foot radius of the pole or support structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications:

(a) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) all other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of

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all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services. The term ‘small wireless facility’ does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber optic cable that is between small wireless facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna. For purposes of this subsection, in order to be considered directly associated with equipment located on a pole or support structure, coaxial or fiber optic cable must not extend more than one hundred feet in radial circumference from the base of the pole or support structure to which the small wireless facility antenna is attached. No portion of a small wireless facility as defined in this subsection may be used as a wireline backhaul facility.

(29) ‘Support structure’ means a building, billboard, or any other structure in the ROW to which a small wireless facility is or may be attached. A ‘support structure’ shall not include an electric transmission structure or pole.

(30) ‘Technically feasible’ means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the small wireless facility.

(31) ‘Underground district’ means a group of buildings, properties, or sites:

(a) that has been established by the authority with regulatory control of zoning within the specified geographic area;

(b) in which the authority, at least sixty days prior to the relevant application, has required all communications and electric lines in the specified geographic area to be placed underground; and

(c) for which the authority maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

(32) ‘Wireless communications’ means any communications using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(33) ‘Wireless infrastructure provider’ means any person, including a person authorized to provide telecommunications service in the State,

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acting to build or install wireless communication transmission equipment, wireless facilities or support structures, but that is not a wireless services provider.

(34) 'Wireless provider' means a wireless infrastructure provider or a wireless services provider.

(35) 'Wireless services' means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(36) 'Wireless services provider' means a person who provides wireless services.

(37) 'Wireline backhaul facility' means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 58-11-815. (A) If an authority and a wireless provider entered into a written agreement addressing the subject matter of this article prior to the effective date of this act:

(1) this article shall not apply until such agreement expires or is terminated pursuant to its terms with regard to poles, support structures, replacement poles, and small wireless facilities installed pursuant to such agreement prior to the effective date of this act; otherwise,

(2) the provisions of this article shall apply to poles, support structures, replacement poles, and small wireless facilities installed in the ROW on or after the effective date of this act.

(B) With regard to any enactment that was adopted prior to the effective date of this article and that addresses the subject matter of this article:

(1) any compliant provisions in such enactment remain in effect and, to the extent that such compliant provisions apply to decorative poles, underground districts, design districts, or historic districts, shall apply in lieu of Section 58-11-820(F)(2), (G)(1), and (H); and

(2) all other provisions of any such enactment are invalid, and all other provisions of this article apply in lieu thereof.

(C) An authority may adopt an enactment that:

(1) adopts compliant provisions, which to the extent that such compliant provisions apply to decorative poles, underground districts, design districts, or historic districts, shall apply in lieu of the provisions of Section 58-11-820(F)(2), (G)(1), and (H);

(2) authorizes wireless providers to install and operate small wireless facilities and associated poles and support structures in strict compliance with all other provisions of this article; and

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(3) if the authority is a municipality, grants any consent that has not previously been granted, either expressly or otherwise, for wireless providers to install and operate small wireless facilities and associated poles and support structures in compliance with items (1) and (2).

(D) An enactment that strictly complies with subsection (B) or (C) complies with this article and shall be fully applicable within the territorial jurisdiction of such authority. In the absence of such an enactment, and until such an enactment is adopted, if at all, a wireless provider may install and operate small wireless facilities and associated poles and support structures under the requirements of this article on and after the effective date of this act.

(E)(1) Other than an agreement provided for in Section 58-11-815(G), an authority must not require a wireless provider to enter into an agreement including, but not limited to, a franchise agreement whether memorialized in an enactment or in any other manner, to implement this article, but nothing in this article prohibits an authority and a wireless provider from voluntarily entering one or more such agreements after the effective date of this article, including such agreements with rates, fees, and other terms that differ from those in this article, provided however, that the authority must make each such agreement available for public inspection and available for adoption upon the same terms and conditions to any requesting wireless provider.

(2) Agreements entered into pursuant to item (1) are public-private arrangements and are matters of legitimate and significant statewide concern.

(F) Nothing in this article limits an authority's powers with respect to wireless facilities that are not small wireless facilities in the ROW, or poles that are used for purposes other than installation of small wireless facilities in the ROW.(G) Nothing in this article prevents an authority from requiring a provider seeking to collocate small wireless facilities on authority poles to enter an agreement establishing the terms and conditions for use of those authority poles. Upon request by a wireless provider, the authority must make available such an agreement with terms and conditions that are just, reasonable, nondiscriminatory, and compliant with the provisions of this article. If the wireless provider requests additional or different terms and conditions, the parties shall seek to negotiate an agreement expeditiously and in good faith.

(H) Nothing in this article permits a wireless provider to use public property outside the ROW or private property without the consent of the property owner.

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Section 58-11-820. (A) The provisions of this section shall apply only to activities of a wireless provider within the ROW to deploy small wireless facilities and associated poles.

(B) An authority may not enter into an exclusive arrangement with any person for use of the ROW for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles.

(C)(1) Subject to the exceptions in Section 58-11-830(F)(1), an authority may charge a wireless provider a rate or fee for the use of the ROW with respect to the collocation of small wireless facilities or the installation, maintenance, modification, operation, or replacement of a pole in the ROW only if such rate or fee is nondiscriminatory and only if the authority charges other similarly situated entities for use of the ROW.

(2) Notwithstanding the provisions of item (1) of this subsection, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate or fee to a wireless provider for the use of the ROW. The rates or fees for such use of the ROW and associated applications and attachments to authority poles are provided in Section 58-11-850.

(D) Subject to the provisions of this section, a wireless provider shall have the right, as a permitted use subject only to administrative review pursuant to Section 58-11-830, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the ROW. These structures and facilities must be installed and maintained so as not to: create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the ROW; or obstruct the legal use of the ROW by utilities.

(E)(1) Each new or modified pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing pole in place as of the effective date of this article located within five hundred feet of the new pole in the same ROW, or fifty feet above ground level; provided, however, that for applications to place poles in residential zoning districts to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

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(2) New small wireless facilities in the ROW may not extend more than ten feet above an existing pole in place as of the effective date of this article; or for small wireless facilities on a new pole, above the height permitted for a new pole pursuant to this section.

(3) To the extent permitted by and approved under applicable zoning or other regulations, a wireless provider shall have the right to collocate a small wireless facility on and install, maintain, modify, operate, and replace poles in the ROW that exceed the height limits set forth in subsection (E)(1).

(F)(1) Subject to an authority's ability to deny the proposal as set forth in this article, a wireless provider must be permitted to collocate on or replace decorative poles when necessary to deploy a small wireless facility.

(2) An authority may require the collocation on a decorative pole or the replacement of a decorative pole to reasonably conform to the design aesthetics of the original decorative pole, provided these requirements are technically feasible.

(3)(a) For applications to replace decorative poles to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(b) For applications to collocate small wireless facilities on decorative poles, the authority may propose collocation on a new pole or on an existing pole or structure in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternative unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(G)(1) A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of poles in the ROW in an underground district where:

(a) no less than sixty days prior to the submission of the application, the authority has required all such lines to be placed underground;

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(b) poles the authority allows to remain are made available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities in compliance with this article; and

(c) a wireless provider is allowed to install a new pole when it is not able to provide wireless service by collocating on a remaining pole or support structure; provided, however, that for any such application to install a new pole, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(2) For small wireless facilities installed before an authority adopts requirements that comply with subsection (G)(1), an authority adopting such requirements shall:

(a) permit a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or

(b) permit the wireless provider to replace the associated pole within fifty feet of the prior location, provided that the wireless provider shall allow communications service providers with attachments on the existing pole to place those attachments on the replacement pole under the same or reasonably similar fees, rates, terms, and conditions as applied to those attachments on the existing pole.

(H)(1) Subject to Section 58-11-830(D), an authority may require reasonable, technically feasible, nondiscriminatory and technologically neutral design requirements, height limitations of no less than forty feet, or concealment measures in a design district or historic district. These design requirements, height limitations, or concealment measures may not have the effect of prohibiting any provider's technology or the provision of wireless services; nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(2) For applications to place poles in a design district or a historic district to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not

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technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(I) The authority, in the exercise of its administration and regulation related to the management of the ROW, must be reasonable, competitively neutral, nondiscriminatory with regard to all users of the ROW, and compliant with applicable law.

(J) A wireless provider shall repair all damage to the ROW directly caused by the activities of the wireless provider in the ROW and shall restore the ROW to its condition before the damage occurred pursuant to the competitively neutral and reasonable requirements and specifications of the authority. If within thirty calendar days after written notice the wireless provider fails to the extent practicable in the reasonable judgment of the authority to restore the ROW to its condition prior to the damage in compliance with this subsection, the authority may, at the sole discretion of the authority, restore the ROW to such condition and charge the applicable party the reasonable, documented cost of the restoration, plus a penalty not to exceed five hundred dollars; provided, however, that the wireless provider may request additional time to make such repairs, and the authority shall not unreasonably deny such a request. The authority may suspend the ability of the wireless provider to receive any new permits from the authority until the wireless provider has paid the amount assessed for such restoration costs, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

(K) A wireless provider must not be required to replace or upgrade an existing pole except for reasons of structural necessity, compliance with applicable codes, or compliance with this article. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification must be consistent with the design aesthetics of the poles being modified or replaced.

(L) A wireless provider shall notify the authority in writing as soon as practicable, but no later than thirty days before its abandonment of a small wireless facility. Following receipt of such notice, the authority may direct the wireless provider to remove all or any portion of the small wireless facility if the authority determines that such removal is in the best interest of the public safety and public welfare. If the wireless provider fails to remove the abandoned facility within ninety days after

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such notice, the authority may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns, plus a penalty not to exceed five hundred dollars. The authority may suspend the ability of the wireless provider, its successors, or its assigns, as applicable, to receive any new permits from the authority until the wireless provider, its successors, or its assigns, as applicable, have paid the amount assessed for such removal costs, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

(M) If the authority determines that a wireless provider's activity in a ROW pursuant to this article creates an imminent risk to public safety, the authority may provide written notice to the wireless provider and demand that the wireless provider address such risk. If the wireless provider fails to reasonably address the risk within twenty-four hours of the written notice, the authority may take or cause to be taken action to reasonably address such risk and charge the wireless provider the reasonable documented cost of such actions.

(N) Nothing in this article relieves any person including, but not limited to, any wireless provider, of any applicable obligation to pay business license taxes including, but not limited to, those provided for in Article 20, Chapter 9 of Title 58, or franchise fees. Any entity that uses the ROW, directly or indirectly, including through leased facilities, to provide services in a municipality is responsible for all applicable taxes and fees related to the services provided.

Section 58-11-830. (A) The provisions of this section shall apply to the permitting of the collocation of small wireless facilities by a wireless provider in the ROW and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider inside the ROW.

(B) Except as provided in this article, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities and associated poles described in subsection (A).

(C) An authority may require an applicant to obtain a permit to collocate a small wireless facility or to install a new, modified, or replacement pole associated with a small wireless facility as provided in Section 58-11-830(E). An authority may also require an applicant to obtain additional permits for such activity, provided that: such additional permits are of general applicability and do not apply exclusively to wireless facilities; an applicant shall not be required to obtain or pay any

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fees for a building permit, as the permit issued pursuant to this article serves as a building permit for the applicable poles and small wireless facilities; and any applications for any such additional permits, once submitted, must be acted upon within the same number of days as an application for permit under this article. An authority requiring additional permits pursuant to this subsection must publish and keep current a list of each additional permit that is required, and the authority must make the list available to any person upon request.

(D) An authority may adopt a design manual for an applicant's installation and construction of small wireless facilities and new poles to support such facilities in the public ROW that allows for, but does not require, pre-approval of designs in addition to those that may be authorized in compliance with this article.

(E) An authority shall receive applications for, process, and issue such permits subject to the following requirements:

(1) The application shall be made by the applicable wireless provider or its duly authorized representative and shall contain the following:

(a) the applicant's name, address, telephone number, and email address, including emergency contact information for the applicant;

(b) the names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(c) a general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(d) detailed construction drawings regarding the proposed use of the ROW;

(e) to the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;

(f) for any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings; and

(g) information indicating the approximate horizontal and vertical locations, relative to the boundaries of the ROW, of the small wireless facility for which the application is being submitted;

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(h) if the application is for the installation of a new pole or replacement of a decorative pole, a certification that the wireless provider has determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which:

(i) the wireless provider has the right to collocate subject to reasonable terms and conditions; and

(ii) such collocation would be technically feasible and would not impose significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;

(i) if the small wireless facility will be collocated on a pole or support structure owned by a third party, other than an authority pole, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;

(j) an affirmation that the applicant is, on the same date, submitting applications for the permits identified in the list the authority maintains pursuant to Section 58-11-830(C); and

(k) any additional information reasonably necessary to demonstrate compliance with the criteria set forth in item (10).

(2) An applicant must not be required to provide more information to obtain a permit than is set forth in item (1).

(3) An authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including, but not limited to, reserving fiber, conduit, or pole space for the authority.

(4) Except as expressly permitted by this article, an authority may not require:

(a) the collocation of small wireless facilities on a specific pole or category of poles or require multiple antenna systems on a single pole;

(b) the use of specific pole types or configurations when installing new or replacement poles, provided however that nothing in this subitem prohibits an authority from enforcing the provisions of Sections 58-11-820(F)(2), (G)(1), and (H) or any compliant provisions adopted pursuant to Section 58-11-815(B) or (C); or

(c) except as authorized by Section 58-11-820(G)(1) or any compliant provisions adopted pursuant to Section 58-11-815(B) or (C), the underground placements of small wireless facilities that are or are designated in an application to be pole-mounted or ground-mounted.

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(5) Without limiting an authority's ability to adopt spacing requirements for ground-mounted equipment and new poles in accordance with this article, an authority may not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements between small wireless facilities and: (a) existing small wireless facilities; (b) poles; or (c) other structures.

(6) The authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless: the authority and the applicant agree to extend this period; or delay is caused by lack of commercial power or by the lack of communications transport facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

(7) An authority may require an applicant that is not a wireless services provider to include an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole at the requested location, and the authority may require the applicant to submit proof that such wireless services provider is licensed by the FCC or otherwise authorized to provide wireless services within the geographic jurisdiction of the authority.

(8) Within ten days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority shall specifically identify the missing information in writing. The processing deadline in item (9) is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the authority, confirmed in writing.

(9) An application must be processed on a nondiscriminatory basis. The authority shall make its final decision to approve or deny the application within sixty days of receipt of a complete application for collocation of small wireless facilities and within ninety days of receipt of a complete application for the installation, modification, or replacement of a pole and the collocation of associated small wireless facilities on the installed, modified, or replaced pole. If the authority fails to act on an application within the applicable time period, the applicant may provide the authority written notice that the time period for acting has lapsed, and the authority shall then have twenty days after receipt of such notice to render its written decision. The application shall be

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deemed to have been approved by passage of time and operation of law if the authority does not render its written decision within the noticed twenty days.

(10) An authority may deny an applicant's proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole that meets the requirements in Section 58-11-820(E) only if the proposed collocation, installation, modification, or replacement:

(a) interferes with the safe operation of traffic control or public safety equipment;

(b) interferes with sight lines or clear zones for transportation or pedestrians;

(c) interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

(d) requests that ground-mounted small wireless facility equipment be located more than seven and a half feet in radial circumference from the base of the pole, decorative pole, or support structure to which the small wireless facility antenna is to be attached, provided that the authority shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

(e) fails to comply with the height limitations permitted by this article or with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by an enactment that concern the location of ground-mounted equipment and new poles. These spacing requirements may not be applied in a manner that constitutes an effective prohibition of service that is prohibited by federal law;

(f) designates the location of a new pole for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(g) fails to comply with applicable codes;

(h) fails to comply with Section 58-11-820(F), (G)(1), or (H) or any compliant provisions adopted in accordance with Section 58-11-815(B) or (C);

(i) fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or

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(j) fails to comply with laws of general applicability that address the occupancy or management of the ROW and that are not otherwise inconsistent with this article.

(11) The authority shall document the basis for a denial, including the specific provisions of this article on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty days of resubmission and limit its review to the deficiencies cited in the denial. If the authority fails to act on a revised application within this thirty-day period, the applicant may provide the authority written notice that the time period for acting has lapsed, and the authority shall then have five days after receipt of such notice to render its written decision approving or denying the revised application. The revised application shall be deemed to have been approved by passage of time and operation of law if the authority does not render its written decision within the noticed five days.

(12) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may submit a single consolidated application, provided that such a consolidated application shall be for a geographic area no more than two miles in diameter, for up to thirty small wireless facilities and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application must not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

(13) Installation or collocation for which a permit is granted pursuant to this section must be completed within one year of the permit issuance date unless: the authority and the applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant. Approval of an application authorizes the applicant to:

- (a) undertake the installation or collocation; and
- (b) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small

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wireless facilities and any associated pole covered by the permit for a period of no less than ten years, which must be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in item (10).

(14) An authority may not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications, or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of poles to support small wireless facilities.

(15) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section neither constitutes an authorization nor affects any authorization a provider may have to provide a communication service or to install, place, maintain, or operate any other communications facility, including a wireline backhaul facility, in a ROW.

(F)(1) Subject to subitem (2), an authority may not require a permit or any other approval or charge fees or rates for:

- (a) routine maintenance;
- (b) the replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or
- (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between poles or support structures in compliance with applicable codes.

(2) Notwithstanding the provisions of subitem (1), an authority may require that prior to performing the activities described in subitem (1), an applicant must apply for and receive a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for the activities described in item (1). Such a permit must be issued to the applicant on a nondiscriminatory basis upon terms and conditions that are consistent with applicable codes and that apply to the activities of any other person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

(G) No wireless provider shall collocate any small wireless facility in the ROW or install, modify, or replace a pole or decorative pole for collocation of a small wireless facility in the ROW without first filing an application and obtaining a permit therefor, except as otherwise expressly provided in subsection (F) of this section. Any failure to comply with this subsection by a wireless provider shall allow the applicable authority, at the sole discretion of the authority, to restore the

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ROW, to the extent practicable in the reasonable judgment of the authority, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider its reasonable, documented cost of restoration, plus a penalty not to exceed one thousand dollars. The authority may suspend the ability of the wireless provider to receive any new permits from the authority until the wireless provider has paid the amount assessed for such restoration costs, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

(H) If, in the reasonable exercise of police powers, an authority requires widening, repair, reconstruction, or relocation of a public road or highway, or relocation of poles, support structures, or small wireless facilities as a result of a public project, a wireless provider shall relocate poles and support structures that such wireless provider has installed in the ROW for the collocation of small wireless facilities pursuant to this article at no cost to the authority if such poles and support structures are found by the authority to unreasonably interfere with the widening, repair, reconstruction, or relocation project or the public project. If widening, repair, reconstruction, or relocation is required as a condition or result of a project by a person other than an authority, such person shall bear the cost of relocating such poles or support structures and any communications facilities on such poles or support structures.

Section 58-11-840. (A) The provisions of this section apply to the collocation of small wireless facilities on an authority pole in the ROW by a wireless provider.

(B) A person owning, managing, or controlling authority poles in the ROW may not enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

(C) Subject to an authority's ability to deny a permit application as set forth in this article, an authority shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions in compliance with this article.

(D) The rates to collocate on authority poles must be nondiscriminatory regardless of the services provided by the collocating wireless provider and must be as set forth in Section 58-11-850.

(E)(1) The rates, fees, terms, and conditions for make-ready work to collocate on an authority pole must be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this article.

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(2)(a) The authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty days after receipt of a complete application. Alternatively, the authority may require the wireless provider to perform the make-ready work and notify the wireless provider of such within the sixty-day period. If the wireless provider or its contractor performs the make-ready work, the wireless provider shall indemnify the authority for any negligence by the wireless provider or its contractor in the performance of such make-ready work and the work shall otherwise comply with applicable law.

(b) Make-ready work performed by or on behalf of an authority, including any pole replacement, must be completed within sixty days of written acceptance of the good faith estimate by the applicant. An authority may require replacement of the authority pole only if it demonstrates that the collocation would make the authority pole structurally unsound.

(3) The person owning, managing, or controlling the authority pole must not require more make-ready work than required to meet applicable codes or industry standards. Fees assessed by or on behalf of an authority for make-ready work, including any pole replacement, must not:

(a) include costs related to preexisting or prior damage or noncompliance;

(b) exceed either actual costs or the amount charged to other communications service providers for similar work on similar types of authority poles; or

(c) include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A wireless provider collocating on an authority pole pursuant to this article is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the collocation. If the authority includes such costs of a third party in the good faith estimate provided pursuant to item (2) of this subsection, payment of that estimate to the authority constitutes reimbursement of the third party by the wireless provider. Otherwise, the third party may bill the wireless provider for such reimbursement within six months of the completion of the third party's make-ready work.

Section 58-11-850. (A) Except as provided in Section 58-11-830(F), this section governs an authority's rates and fees for the collocation of a

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small wireless facility and the installation, modification or replacement of an associated pole.

(B) Except to the extent permitted by this article or otherwise specifically authorized by state or federal law including, but not limited to, Article 20, Chapter 9 of Title 58 and Chapter 12 of Title 58, an authority may not:

(1) adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a ROW by a communications service provider authorized by federal, state, or local law to operate in a ROW;

(2) regulate any communications services; or

(3) impose or collect any tax, fee, or charge for the provision of any communications service over the communications service provider's communications facilities in a ROW.

(C) Without limiting the foregoing, a wireless provider is authorized to deploy small wireless facilities and associated poles in a ROW in compliance with this article regardless of whether the provider has sought or obtained any certificate or other authority from the Public Service Commission of South Carolina; provided, however, that nothing in this article prohibits an authority from requiring proof that a wireless services provider is licensed by the FCC or otherwise authorized to provide service within the geographic jurisdiction of the authority.

(D)(1) A municipality may charge an application fee to a wireless provider regardless of whether the provider is subject to a business license tax that is or may be imposed upon it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to Section 58-9-2230.

(2) A municipality may charge an application fee to a communications service provider regardless of whether the provider is subject to a franchise fee that is or may be imposed upon it pursuant to Section 58-12-330.

(3) An authority may charge an application fee, so long as the fee is reasonable, nondiscriminatory, and recovers no more than an authority's direct costs for processing an application; provided, however, the fee may not exceed:

(a) for applications to collocate small wireless facilities on existing poles or structures, one hundred dollars each for the first five small wireless facilities in the same application and fifty dollars for each additional small wireless facility in the same application; or

(b) for applications to collocate small wireless facilities on new poles, one thousand dollars for each pole, which fee covers both the

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installation of the new pole and the collocation on the new pole of associated small wireless facilities that are a permitted use in accordance with the specifications in Section 58-11-820(D); and

(c) for applications to collocate small wireless facilities on modified or replacement poles, two hundred fifty dollars for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole of associated small wireless facilities that are permitted uses in accordance with the specifications in Section 58-11-820(D).

(4)(a) Beginning on the effective date of this section and ending upon completion of the fourth year immediately following the effective date of this section, a municipality with a need for consultation in the review of a permit application may engage an outside consultant for consultation, review, and processing of the application and may charge the applicant the fees described in subitem (b) for such engagement. The fee the authority charges the applicant for such review shall not be used for:

(i) travel expenses incurred in the review of a collocation application by an outside consultant or other third party; or

(ii) direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

(b) The fee the municipality charges an applicant pursuant to subitem (a) may not exceed the lesser of:

(i) the amount the municipality pays the outside consultant for engagements that are consistent with subitem (a); or

(ii) the following amounts:

(aa) for applications to collocate small wireless facilities on existing poles or structures: seventy dollars each for the first five small wireless facilities in the same application and thirty-five dollars for each additional small wireless facility in the same application during the first year immediately following the effective date of this section; sixty dollars each for the first five small wireless facilities in the same application and thirty dollars for each additional small wireless facility in the same application during the second year immediately following the effective date of this section; fifty dollars each for the first five small wireless facilities in the same application and twenty-five dollars for each additional small wireless facility in the same application during the third year immediately following the effective date of this section; and forty dollars each for the first five small wireless facilities in the same application and twenty dollars for each additional small wireless facility

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in the same application during the fourth year immediately following the effective date of this section;

(bb) for applications to collocate small wireless facilities on new poles: six hundred fifty dollars during the first year immediately following the effective date of this section; five hundred twenty dollars during the second year immediately following the effective date of this section; four hundred fifty-five dollars during the third year immediately following the effective date of this section; and three hundred ninety-nine dollars during the fourth year immediately following the effective date of this section; and

(cc) for applications to collocate small wireless facilities on modified or replacement poles: two hundred dollars during the first year immediately following the effective date of this section; one hundred eighty-five dollars during the second year immediately following the effective date of this section; one hundred fifty dollars during the third year immediately following the effective date of this section; and one hundred twenty-five dollars during the fourth year immediately following the effective date of this section.

(c) In any dispute concerning the appropriateness of a fee under this subitem, the municipality has the burden of proving that the fee meets the requirements of this subitem.

(E)(1) A municipality may charge a rate for the occupancy and use of the ROW to a wireless provider regardless of whether the provider is subject to a business license tax that is or may be imposed upon it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to Section 58-9-2230.

(2) A municipality may charge a rate for the occupancy and use of the ROW to a communications service provider regardless of whether the provider is subject to a franchise fee that is or may be imposed upon it pursuant to Section 58-12-330.

(3) An authority may charge a wireless provider for the occupancy and use of the ROW, so long as such rate is reasonable, nondiscriminatory, and does not exceed: one hundred dollars per year for each small wireless facility collocated on any existing or replacement pole, including an existing or replacement authority pole; or two hundred dollars per year for each small wireless facility collocated on a new pole, other than a replacement pole, which two hundred dollar rate shall cover the new pole and the small wireless facility collocated on it.

(F)(1) An authority may charge a rate for collocation of a small wireless facility on an authority pole, but any such rate must be reasonable, nondiscriminatory, and recover no more than the authority's

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direct costs associated with such collocation, not to exceed fifty dollars per authority pole per year.

(2) Other than requiring a wireless provider to pay attachment rates as permitted by item (1), an authority may not require any person or entity with facilities installed on a pole or support structure to pay any additional attachment rates or fees as a result of the granting of an application for a permit under this article.

(G) The applicant or the person that owns or operates the small wireless facility collocated in the ROW may remove its small wireless facilities at any time from the ROW upon not less than thirty days' prior written notice to the authority and may cease paying to the authority any applicable fees and rates for such use, as of the date of the actual removal of the small wireless facilities. In the event of such removal, the ROW shall be, to the extent practicable in the reasonable judgment of the authority, restored to its condition prior to the removal. If the applicant fails, to the extent practicable in the reasonable judgment of the authority, to return the ROW to its condition prior to the removal within ninety days of the removal, the authority may, at the sole discretion of the authority, restore the ROW to such condition and charge the applicant the authority's reasonable, documented cost of removal and restoration, plus a penalty not to exceed five hundred dollars. The authority may suspend the ability of the applicant to receive any new permits from the authority until the applicant has paid the amount assessed for such restoration, if any; provided, however, that the authority shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by the Administrative Law Court.

Section 58-11-853. The construction, installation, maintenance, modification, operation, and replacement of wireline backhaul facilities in the ROW are not addressed by this article, and any such activity shall comply with the applicable provisions of the South Carolina Code Ann. including, but not limited to, Section 58-9-280(A) and (B) and Chapter 12, Title 58.

Section 58-11-857. An applicant in the ROW must not install, maintain, modify, operate, repair, or replace any small wireless facilities, support structures, or poles in a manner that interferes with any existing infrastructure, equipment, or service including, but not limited to, infrastructure, equipment, or service used to provide communications, electric, gas, water, sewer, or public safety services.

Section 58-11-860. The provisions of this section apply only to activities in the ROW. Nothing in this article must be interpreted to:

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(1) allow an entity to provide services regulated pursuant to 47 U.S.C. Sections 521 to 573, without compliance with all laws applicable to such providers; or

(2) impose any new requirements on cable providers for the provision of such service in this State.

Section 58-11-870. Pursuant to the provisions of this article and applicable federal law, an authority may continue to exercise zoning, land use, planning and permitting authority within its territorial boundaries with respect to small wireless facilities, poles, and support structures outside of the ROW, including the enforcement of applicable codes. An authority does not have and may not exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the authority, other than to require compliance with applicable codes. Nothing in this article authorizes the State or any agency, department, or instrumentality thereof, including an authority, to require any wireless facility deployment or to regulate wireless services.

Section 58-11-880. This article does not apply to poles owned by an investor-owned utility, except as it concerns a wireless provider's access to the ROW and permits for the collocation of small wireless facilities on such poles.

Section 58-11-900. The Administrative Law Court has contested case jurisdiction to determine all disputes arising under this article between an applicant and an authority or any person or entity acting on behalf of an authority. Any request filed with the Administrative Law Court pursuant to this article must be filed in accordance with its Rules of Procedure. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority poles, the person owning or controlling the pole must allow the collocating person to collocate on its poles at annual rates of no more than fifty dollars, with the actual rate to be settled upon final resolution of the dispute. Disputes subject to this section must be adjudicated pursuant to accelerated docket or complaint procedures including, but not limited to, procedures in Section 1-23-600(B), if available.

Section 58-11-910. (A) Subject to the requirements of this section, an authority may adopt reasonable indemnification, insurance, and bonding requirements related to facilities, poles, or support structures that are subject to this article.

(B) With regard to facilities, poles, and support structures that are subject to this article, an authority may not require a wireless provider to

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indemnify and hold the authority and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, except when a court of competent jurisdiction has found that the negligence of the wireless provider while siting, installing, maintaining, repairing replacing, relocating, permitting, operating, or locating facilities, poles, or support structures pursuant to this article caused the harm that created such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees. In no event shall any authority or any officer, employee, or agent affiliated therewith, while in the performance of its or his or her official duties, be liable for any claim related to the siting, installation, maintenance, repair, replacement, relocation, permitting, operation or location of facilities, poles, or support structures that are subject to this article. An authority is immune under the laws of South Carolina against any claim of violating a private deed when enforcing the terms of this article for the deployment of small wireless facilities and associated poles and support structures in the ROW.

(C) An authority may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the authority imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory.

(1) An authority may not require a wireless provider to obtain insurance naming the authority or its officers and employees as additional insureds.

(2) An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of a permit issued for a small wireless facility.

(D) An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other ROW users.

(1) The purpose of such bonds must be to provide for the:

(a) removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines must be removed to protect public health, safety, or welfare;

(b) restoration of the ROW as provided in Section 58-11-820(J);
and

(c) recoupment of rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider has received reasonable notice from the authority of any of the noncompliance listed in this subitem and given an opportunity to cure.

(2) Bonding requirements may not exceed two hundred dollars per small wireless facility. For wireless providers with multiple small

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wireless facilities within the jurisdiction of a single authority, the total bond amount across all facilities may not exceed ten thousand dollars and that amount may be combined into one bond instrument.

Section 58-11-920. (A) Neither the State nor any agency, department, or instrumentality thereof may condition a wireless provider's access to any ROW or a wireless provider's deployment of small wireless facilities and associated poles in any ROW on the wireless provider's seeking or obtaining any certificate or other authority from the Public Service Commission of South Carolina.

(B) Without limiting the provisions of subsection (A):

(1) a wireless services provider seeking access to a ROW as described in subsection (A) may be required to provide proof that it is licensed by the FCC or otherwise authorized to provide wireless services within the State; and

(2) a wireless provider seeking access to a ROW as described in subsection (A) that is not also a wireless services provider may be required to submit an attestation that a wireless services provider has requested in writing that the wireless provider deploy small wireless facilities or associated poles at the requested location and provide proof that such wireless services provider is licensed by the FCC or otherwise authorized to provide service within the State.

(C) To the extent that an authority is otherwise authorized to address a wireless provider's deployment of small wireless facilities and associated poles in the ROW of the State or of any agency, department, or instrumentality thereof, the authority must do so in strict compliance with the provisions of this article.

Section 58-11-930. (A) Within thirty days after written request by any authority with a population of greater than twenty-seven thousand according to the official 2010 United States Decennial Census and with which the applicant has not previously held a meeting that complies with this section, an applicant shall meet with the requesting authority to inform the authority in good faith:

(1) when the applicant expects to commence deployment of small wireless facilities and poles within the authority pursuant to this article;

(2) the number of small wireless facilities and poles it expects to deploy during the twenty-four months after commencement; and

(3) the expected timing of such deployments.

(B) All documents or other information provided by the applicant in the course of, or in association with, any meetings provided for in this section:

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(1) are presumed to be 'trade secrets' as defined in Section 30-4-40(a)(1);

(2) are not public information under the Freedom of Information Act; and

(3) are not subject to public disclosure.

(C) The pendency of a meeting requested pursuant to this section shall not relieve an authority from reviewing and acting upon applications that have been or are submitted as set forth in this article."

SECTION 2. 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 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 32; Nays 6

AYES

Alexander	Allen	Campsen
Climer	Corbin	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Sabb	Scott

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Setzler	Sheheen	Turner
Williams	Young	

Total--32

NAYS

Cash	Cromer	Harpootlian
McElveen	Rice	Senn

Total--6

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

H. 4262--Ordered to a Third Reading

On motion of Senator GAMBRELL, with unanimous consent, H. 4262 was ordered to receive a third reading on Thursday, September 24, 2020.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1283 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE A'JA WILSON OF THE LAS VEGAS ACES FOR HER ACCOMPLISHMENTS DURING THE WNBA'S 2020 SEASON, AND TO CONGRATULATE HER ON WINNING THE LEAGUE'S MOST VALUABLE PLAYER AWARD.

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The Senate Resolution was adopted.

S. 1284 -- Senators Young, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE AND COMMEND J. STROM THURMOND, JR., UPON THE OCCASION OF HIS DEPARTURE FROM THE PUBLIC OFFICE OF SOLICITOR FOR THE SECOND JUDICIAL CIRCUIT, TO EXTEND DEEP APPRECIATION FOR HIS MANY YEARS OF

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DISTINGUISHED SERVICE TO AIKEN, BAMBERG, AND BARNWELL COUNTIES, AND TO WISH HIM MUCH CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 5564 -- Reps. Sandifer and Whitmire: A BILL TO AMEND ACT 1041 OF 1970, AS AMENDED, RELATING TO THE ASSESSMENT OF TAXES IN OCONEE COUNTY, SO AS TO REVISE THE MEMBERSHIP AND COMPOSITION OF THE OCONEE COUNTY BOARD OF ASSESSMENT APPEALS.

Read the first time and ordered placed on the Calendar without reference.

H. 5564--Ordered to a Second and Third Reading

On motion of Senator ALEXANDER, H. 5564 was ordered to receive a second and third reading on the next two consecutive legislative days.

H. 5593 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, 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, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE KATHY DIANE HUGGINS KONDUROS OF RICHLAND COUNTY ON THE OCCASION OF

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HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5596 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, 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, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, 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, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE BONNIE PITTMAN OF GREENVILLE COUNTY ON THE OCCASION OF HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION.

The Concurrent Resolution was adopted, ordered returned to the House.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that the Senate would reconvene at the conclusion of the Joint Assembly.

RECESS

At 11:55 A.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

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JOINT ASSEMBLY

Elections

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 1239 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, SEPTEMBER, 23, 2020, AS THE DATE AND TIME FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES TO ELECT SUCCESSOR MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL FOR SEATS 1, 2, AND 3, SO AS TO FILL THE TERMS THAT EXPIRED JUNE 30, 2020; TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2024; A MEMBER TO THE BOARD OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; A MEMBER OF THE BOARD OF TRUSTEES FOR THE COLLEGE OF CHARLESTON, FIRST CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 14, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 16, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SEVENTH CONGRESSIONAL DISTRICT, SEAT 7,

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WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 13, WHOSE TERM EXPIRES JUNE 30, 2022, AND AT-LARGE, SEAT 9, SEAT 11, AND SEAT 15, WHOSE TERMS EXPIRE JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR LANDER UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FIRST CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SECOND CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, NONMEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH CAROLINA STATE UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH CONGRESSIONAL DISTRICT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2024, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2024, AND AT-LARGE, SEAT 12, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA, SECOND JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, SIXTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, EIGHTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, TENTH

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JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FOURTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SIXTEENTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2024; A MEMBER OF THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY, SECOND CONGRESSIONAL DISTRICT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2026, SIXTH CONGRESSIONAL DISTRICT, SEAT 6, WHOSE TERM EXPIRES JUNE, 2026, AND AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2026; THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS EXPIRE JUNE 30, 2024; AND TO ELECT MEMBERS OF THE PUBLIC SERVICE COMMISSION, FIRST CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, THIRD CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, FIFTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024, AND SEVENTH CONGRESSIONAL DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2024.

Election to the South Carolina Department of Employment and Workforce Appellate Panel, Seat 1

The PRESIDENT announced that elections were in order to elect a successor to fill a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 1.

Representative Bannister, on behalf of the Committee to Screen Candidates for the South Carolina Department of Employment and Workforce Appellate Panel, indicated that Evelyn B. Ayers had been screened and found qualified to serve.

On motion of Representative Bannister, the name of Evelyn B. Ayers was placed in nomination.

Representative Bannister moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Evelyn B. Ayers was elected to a position on the South Carolina Department of Employment and Workforce Appellate Panel for the term to expire July 1, 2024.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining.

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Election to the South Carolina Department of Employment and Workforce Appellate Panel, Seat 2

The PRESIDENT announced that elections were in order to elect a successor to fill a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 2.

Representative Bannister, on behalf of the Committee to Screen Candidates for the South Carolina Department of Employment and Workforce Appellate Panel, indicated that Timothy N. Dangerfield had been screened and found qualified to serve.

On motion of Representative Bannister, the name of Timothy N. Dangerfield was placed in nomination.

Representative Bannister moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Timothy N. Dangerfield was elected to a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 2 for the term to expire July 1, 2024.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining.

Election to the South Carolina Department of Employment and Workforce Appellate Panel, Seat 3

The PRESIDENT announced that elections were in order to elect a successor to fill a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 3.

Representative Bannister, on behalf of the Committee to Screen Candidates for the South Carolina Department of Employment and Workforce Appellate Panel, indicated that Stephen S. Kelly had been screened and found qualified to serve.

On motion of Representative Bannister, the name of Stephen S. Kelly was placed in nomination.

Representative Bannister moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stephen S. Kelly was elected to a position on the South Carolina Department of Employment and Workforce Appellate Panel, Seat 3 for the term to expire July 1, 2024.

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Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining.

Immediately following the Joint Assembly called for the Election of the Department of Employment and Workforce Appellate Panel, the PRESIDENT announced that the Joint Assembly would proceed to the Election to the College and University Board of Trustees.

**Election to the Board of Trustees for
The Citadel, Two At-Large Seats**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for The Citadel, two at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that M.W. “Trey” Cockrell III, Stanley L. Myers and Fred L. Price had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of M.W. “Trey” Cockrell III and Fred L. Price were withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stanley L. Myers was elected to a position on the Board of Trustees for The Citadel, at-large for the term to expire June 30, 2026.

**Election to the Board of Trustees for
Clemson University, Three At-Large Seats**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Clemson University, three at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ronald D. Lee, Clayton R. Lowder, Louis B. Lynn, Robert L. Peeler and John W.

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Pettigrew Jr. had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Clayton R. Lowder, was withdrawn from consideration.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Ronald D. Lee:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Malloy	Massey	<i>Matthews, John</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--36

The following named Senators voted for Louis B. Lynn:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Malloy	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Talley	Turner	Williams

Total--36

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The following named Senators voted for Robert L. Peeler:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--38

The following named Senators voted for John W. Pettigrew, Jr.:

Cash	Loftis	Massey
Nicholson	Young	

Total--5

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Ronald D. Lee:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bernstein
Blackwell	Bradley	Brawley
Brown	Calhoon	Clary
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hiott

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Hixon	Howard	Huggins
Hyde	Jefferson	Johnson
Jordan	Kirby	Ligon
Lucas	Mack	Matthews
McGinnis	McKnight	Moore
Murphy	W. Newton	Norrell
Oremus	Ott	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Tallon
Taylor	Weeks	West
Wetmore	Wheeler	Whitmire
S. Williams		

Total--82

The following named Representatives voted for Louis B. Lynn:

Alexander	Allison	Anderson
Atkinson	Bales	Ballentine
Bannister	Bennett	Bernstein
Bradley	Brawley	Brown
Calhoon	Caskey	Clary
Cobb-Hunter	Cogswell	Collins
W. Cox	Crawford	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Garvin
Gilliard	Govan	Hardee
Henderson-Myers	Henegan	Hewitt
Hiott	Hixon	Howard
Huggins	Hyde	Jefferson
Johnson	Jordan	King
Kirby	Lucas	Mack
Matthews	McDaniel	McGinnis
McKnight	Moore	D. C. Moss
Murphy	W. Newton	Norrell
Ott	Parks	Pendarvis
Ridgeway	Robinson	Rose
Rutherford	Sandifer	Simrill
G. M. Smith	Sottile	Spires

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Stavrinakis	Tallon	Taylor
Thigpen	Weeks	West
Wetmore	Wheeler	Whitmire
R. Williams	S. Williams	Willis

Total--81

The following named Representatives voted for Robert L. Peeler:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Calhoon	Caskey	Clary
Clyburn	Cobb-Hunter	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Howard	Huggins
Hyde	Jefferson	Johnson
Jordan	King	Kirby
Ligon	Lowe	Lucas
Mack	Matthews	McDaniel
McGinnis	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Oremus
Ott	Parks	Pope
Ridgeway	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thayer
Thigpen	Toole	Weeks

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West	Wetmore	Wheeler
Whitmire	S. Williams	Willis
Wooten		

Total--97

The following named Representatives voted for John W. Pettigrew Jr.:

Bailey	Bennett	Blackwell
Bryant	Burns	Caskey
Chumley	Clyburn	Cogswell
B. Cox	Daning	Davis
Finlay	Forrest	Gagnon
Gilliam	Haddon	Herbkersman
Hill	Hosey	Jones
Kimmons	King	Ligon
Long	Lowe	Magnuson
Martin	McCravy	Morgan
D. C. Moss	V. S. Moss	Oremus
Parks	Pope	Rivers
G. R. Smith	Stringer	Thayer
Thigpen	Toole	Trantham
R. Williams	Willis	Wooten

Total--45

RECAPITULATION

Total number of Senators voting	40
Total number of Representatives voting.....	<u>115</u>
Grand Total.....	155
Necessary to a choice	78
Of which Ronald D. Lee received	118
Of which Louis B. Lynn received	117
Of which Robert L. Peeler received	135
Of which John W. Pettigrew, Jr. received	50

Whereupon, the PRESIDENT announced that the Honorable Ronald D. Lee, the Honorable Louis B. Lynn, the Honorable Robert L. Peeler were elected to a position on the Board of Trustees for Clemson University, at-large for the term to expire June 30, 2024.

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**Election to the Board of Trustees for
Coastal Carolina University, 5th Congressional District, Seat 5**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat 5.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Lisa Mabry Davis had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Lisa Mabry Davis was elected to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat 5 for a term to expire June 30, 2023.

**Election to the Board of Trustees for the
College of Charleston, 1st Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 1st Congressional District, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that L. Cherry Daniel and Andrew A. Gianoukos had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of L. Cherry Daniel was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Andrew A. Gianoukos was elected to a position on the Board of Trustees for the College of Charleston, 1st Congressional District, Seat 2 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 2nd Congressional District, Seat 4**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 2nd Congressional District, Seat 4.

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Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Isabelle N. Mandell and Brian J. Stern had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Isabelle N. Mandell was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Brian J. Stern was elected to a position on the Board of Trustees for the College of Charleston, 2nd Congressional District, Seat 4 for the term to expire June 30, 2024.

Election to the Board of Trustees for the College of Charleston, 3rd Congressional District, Seat 6

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 3rd Congressional District, Seat 6.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Craig C. Thornton had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Craig C. Thornton was elected to a position on the Board of Trustees for the College of Charleston, 3rd Congressional District, Seat 6 for the term to expire June 30, 2024.

Election to the Board of Trustees for the College of Charleston, 4th Congressional District, Seat 8

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 4th Congressional District, Seat 8.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Renee B.

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Romberger had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Renee B. Romberger was elected to a position on the Board of Trustees for the College of Charleston, 4th Congressional District, Seat 8 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 5th Congressional District, Seat 10**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 5th Congressional District, Seat 10.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that R. McLaurin Burch III had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable R. McLaurin Burch III was elected to a position on the Board of Trustees for the College of Charleston, 5th Congressional District, Seat 10 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, 6th Congressional District, Seat 12**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 6th Congressional District, Seat 12.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Randy E. Adkins Jr. and Ricci L. Welch had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

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The following named Senators voted for Randy E. Adkins, Jr.:
Cash

Total--1

The following named Senators voted for Ricci L. Welch:

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Loftis	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--38

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Randy E. Adkins, Jr.:

Alexander	Anderson	Bales
Blackwell	Brawley	Brown
Clyburn	Crawford	Daning
Garvin	Govan	Haddon
Henderson-Myers	Henegan	Hosey
Jefferson	King	Magnuson
Matthews	McDaniel	McGinnis
McKnight	Moore	Morgan
D. C. Moss	Oremus	Pendarvis
Rivers	Robinson	Rose
Rutherford	G. R. Smith	Spires
Stringer	Thigpen	Trantham
Wetmore	R. Williams	S. Williams

Total--39

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The following named Representatives voted for Ricci L. Welch:

Allison	Atkinson	Bailey
Ballentine	Bannister	Bennett
Bernstein	Bradley	Bryant
Burns	Calhoon	Caskey
Chumley	Clary	Collins
B. Cox	W. Cox	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Funderburk	Gagnon
Gilliam	Gilliard	Hardee
Herbkersman	Hewitt	Hiott
Hixon	Huggins	Hyde
Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Mack
Martin	McCravy	V. S. Moss
Murphy	W. Newton	Norrell
Ott	Parks	Pope
Ridgeway	Sandifer	Simrill
G. M. Smith	Sottile	Stavrinakis
Tallon	Taylor	Thayer
Toole	Weeks	West
Wheeler	Whitmire	Willis
Wooten		

Total--70

RECAPITULATION

Total number of Senators voting	39
Total number of Representatives voting.....	<u>109</u>
Grand Total.....	148
Necessary to a choice	75
Of which Randy E. Adkins, Jr. received	40
Of which Ricci L. Welch received	108

Whereupon, the PRESIDENT announced that the Honorable Ricci L. Welch was elected to a position on the Board of Trustees for the College of Charleston, 6th Congressional District, Seat 12 for the term to expire June 30, 2024.

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**Election to the Board of Trustees for the
College of Charleston, 7th Congressional District, Seat 14**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, 7th Congressional District, Seat 14.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Penny S. Rosner had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Penny S. Rosner was elected to a position on the Board of Trustees for the College of Charleston, 7th Congressional District, Seat 14 for the term to expire June 30, 2024.

**Election to the Board of Trustees for the
College of Charleston, At-Large, Seat 16**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, at-large, Seat 16.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that David M. Hay and Roy D. Neal had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Roy D. Neal was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable David M. Hay was elected to a position on the Board of Trustees for the College of Charleston, at-large, Seat 16 for the term to expire June 30, 2024.

WEDNESDAY, SEPTEMBER 23, 2020

Election to the Board of Trustees for

Francis Marion University, 2nd Congressional District, Seat 2

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 2nd Congressional District, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Benjamin I. Duncan II had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Benjamin I. Duncan II was elected to a position on the Board of Trustees for the Francis Marion University, 2nd Congressional District, Seat 2 for a term to expire June 30, 2024.

Election to the Board of Trustees for

Francis Marion University, 3rd Congressional District, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 3rd Congressional District, Seat 3.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that R. Tracey Freeman had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable R. Tracey Freeman was elected to a position on the Board of Trustees for the Francis Marion University, 3rd Congressional District, Seat 3 for the term to expire June 30, 2024.

Election to the Board of Trustees for

Francis Marion University, 4th Congressional District, Seat 4

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 4th Congressional District, Seat 4.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Benny J.

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“Jody” Bryson had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Benny J. “Jody” Bryson was elected to a position on the Board of Trustees for the Francis Marion University, 4th Congressional District, Seat 4 for the term to expire June 30, 2024.

Election to the Board of Trustees for

Francis Marion University, 7th Congressional District, Seat 7

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 7th Congressional District, Seat 7.

Representative Whitmire, Chairman of the Committee Screen Candidates for State Colleges and Universities, indicated that George C. McIntyre had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable George C. McIntyre was elected to a position on the Board of Trustees for Francis Marion University, 7th Congressional District, Seat 7 for the term to expire June 30, 2024.

Election to the Board of Trustees for

Francis Marion University, At-Large Position, Seat 9

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 9.

Representative Whitmire, Chairman of the Committee Screen Candidates for State Colleges and Universities, indicated that Karen A. Leatherman had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Karen A. Leatherman was elected to a position on the Board of Trustees for

WEDNESDAY, SEPTEMBER 23, 2020

Francis Marion University, at-large position, Seat 9 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Francis Marion University, At-Large Position, Seat 11**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 11.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that H. Randall Dozier had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable H. Randall Dozier was elected to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 11 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Francis Marion University, At-Large Position, Seat 13**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 13.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Patricia C. Hartung had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Patricia C. Hartung was elected to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 13 for a term to expire June 30, 2022.

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**Election to the Board of Trustees for
Francis Marion University, At-Large Position, Seat 15**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 15.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that William W. Coleman had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William W. Coleman was elected to a position on the Board of Trustees for Francis Marion University, at-large position, Seat 15 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 1st Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 1st Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Cary C. Corbitt had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Cary C. Corbitt was elected to a position on the Board of Trustees for Lander University, 1st Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 2nd Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 2nd Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Angela G.

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Strickland had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Angela G. Strickland was elected to a position on the Board of Trustees for Lander University, 2nd Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 3rd Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 3rd Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Linda L. Dolny had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Linda L. Dolny was elected to a position on the Board of Trustees for Lander University, 3rd Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 4th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 4th Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Terry O. Pruitt and James C. Shubert had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of James C. Shubert was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

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Whereupon, the PRESIDENT announced that the Honorable Terry O. Pruitt was elected to a position on the Board of Trustees for Lander University, 4th Congressional District, for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 5th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 5th Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated S. Anne Walker had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable S. Anne Walker was elected to a position on the Board of Trustees for Lander University, 5th Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 6th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, 6th Congressional District.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated Robert F. Sabalis had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Robert F. Sabalis was elected to a position on the Board of Trustees for Lander University, 6th Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Lander University, 7th Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Lander University, Congressional District.

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Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated Catherine K. Lee had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Catherine K. Lee was elected to a position on the Board of Trustees for Lander University, 7th Congressional District for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
1st Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 1st Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Michael E. Stavrinakis had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Michael E. Stavrinakis was elected to a position on the Board of Trustees for the Medical University of South Carolina, 1st Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
2nd Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 2nd Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that William

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H. Bingham had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William H. Bingham was elected to a position on the Board of Trustees for the Medical University of South Carolina, 2nd Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
3rd Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 3rd Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Charles W. Schulze had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Charles W. Schulze was elected to a position on the Board of Trustees for the Medical University of South Carolina, 3rd Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
4th Congressional District, Medical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 4th Congressional District, Medical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that H. Frederick Butehorn III had been screened and found qualified to serve and placed his name in nomination.

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Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable H. Frederick Butehorn III was elected to a position on the Board of Trustees for the Medical University of South Carolina, 4th Congressional District, Medical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
5th Congressional District, Medical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 5th Congressional District, Medical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that G. Murrell Smith, Sr. had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable G. Murrell Smith, Sr. was elected to a position on the Board of Trustees for the Medical University of South Carolina, 5th Congressional District, Medical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
6th Congressional District, Nonmedical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 6th Congressional District, Nonmedical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Barbara Johnson-Williams had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

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Whereupon, the PRESIDENT announced that the Honorable Barbara Johnson-Williams was elected to a position on the Board of Trustees for the Medical University of South Carolina, 6th Congressional District, Nonmedical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
the Medical University of South Carolina
7th Congressional District, Medical Seat**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the Medical University of South Carolina, 7th Congressional District, Medical Seat.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Paul T. Davis had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Paul T. Davis was elected to a position on the Board of Trustees for the Medical University of South Carolina, 7th Congressional District, Medical Seat for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, 2nd Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, 2nd Congressional District, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Douglas D. Gantt and Macie P. Smith had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Macie P. Smith was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Douglas D. Gantt was elected to a position on the Board of Trustees for S.C. State University, 2nd Congressional District, Seat 2 for a term to expire June 30, 2024.

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**Election to the Board of Trustees for
S.C. State University, 4th Congressional District, Seat 4**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, 4th Congressional District, Seat 4.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Jameel Allen Sr. had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Jameel Allen Sr. was elected to a position on the Board of Trustees for S.C. State University, 4th Congressional District, Seat 4 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, 6th Congressional District, Seat 6**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, 6th Congressional District, Seat 6.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Wilbur B. Shuler had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Wilbur B. Shuler was elected to a position on the Board of Trustees for S.C. State University, 6th Congressional District, Seat 6 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, At-Large, Seat 8**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, at-large, Seat 8.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Lauvetta

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Roseboro Dicks and Doward Keith Harvin had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Louvetta Roseboro Dicks:

Alexander	Cash	Climer
Corbin	Fanning	Gambrell
Goldfinch	Gregory	Harpootlian
Hembree	Loftis	Peeler
Rice	Talley	Turner

Total--15

The following named Senators voted for Doward Keith Harvin:

Allen	Campbell	Campsen
Cromer	Grooms	Hutto
Jackson	Johnson	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Sabb
Setzler	Sheheen	Williams
Young		

Total--22

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Louvetta Roseboro Dicks:

Allison	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Bryant	Burns
Calhoon	Caskey	Chumley
Clary	Cobb-Hunter	Collins
B. Cox	Crawford	Daning
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Gagnon	Garvin

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Gilliam	Haddon	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Howard	Huggins	Hyde
Johnson	Kimmons	King
Ligon	Long	Lucas
Magnuson	Martin	McDaniel
McGinnis	Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Oremus
Ott	Parks	Pope
Robinson	Rose	Rutherford
Simrill	G. R. Smith	Spires
Stavrinakis	Stringer	Tallon
Taylor	Toole	Trantham
West	Wetmore	Whitmire
S. Williams	Willis	Wooten

Total--81

The following named Representatives voted for Doward Keith

Harvin:

Anderson	Atkinson	Brown
Clyburn	Davis	Funderburk
Gilliard	Govan	Hosey
Jefferson	Jordan	Kirby
Lowe	Mack	Matthews
McCravy	McKnight	Pendarvis
Ridgeway	Rivers	G. M. Smith
Sottile	Thigpen	Weeks
Wheeler	R. Williams	

Total--26

RECAPITULATION

Total number of Senators voting	37
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	144
Necessary to a choice	73
Of which Louveta Roseboro Dicks received	96

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Of which Doward Keith Harvin received 48

Whereupon, the PRESIDENT announced that the Honorable Lauvetta Roseboro Dicks was elected to a position on the Board of Trustees for S.C. State University, at-large, Seat 8 for a term to expire June 30, 2024.

**Election to the Board of Trustees for
S.C. State University, At-Large, Seat 12**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for S.C. State University, at-large, Seat 12.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ronald D. Friday had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ronald D. Friday was elected to a position on the Board of Trustees for S.C. State University, at-large, Seat 12 for a term to expire June 30, 2024.

**Election to the Board of Trustees for the
University of South Carolina, 2nd Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 2nd Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Miles A. Loadholt had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Miles A. Loadholt was elected to a position on the Board of Trustees for the University of South Carolina, 2nd Judicial Circuit for a term to expire June 30, 2024.

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**Election to the Board of Trustees for the
University of South Carolina, 4th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 4th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Eugene P. Warr, Jr. and James C. Williamson had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Eugene P. Warr, Jr.:

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Loftis	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Setzler	Talley
Turner	Williams	Young

Total--36

The following named Senators voted for James C. Williamson:
Sheheen

Total--1

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Eugene P. Warr, Jr.:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley

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Brawley	Brown	Bryant
Burns	Calhoon	Caskey
Clary	Clyburn	Cobb-Hunter
Collins	B. Cox	W. Cox
Crawford	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
Johnson	Jones	Jordan
Kimmons	King	Kirby
Long	Lowe	Lucas
Mack	Magnuson	Martin
Matthews	McCravy	McDaniel
McGinnis	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Oremus
Ott	Parks	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
Wetmore	Wheeler	Whitmire
R. Williams	S. Williams	Willis
Wooten		

Total--109

The following named Representatives voted for James C. Williamson:

Total--0

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RECAPITULATION

Total number of Senators voting	37
Total number of Representatives voting.....	<u>109</u>
Grand Total.....	146
Necessary to a choice	74
Of which Eugene P. Warr, Jr received	145
Of which James C. Williamson received	1

Whereupon, the PRESIDENT announced that the Honorable Eugene P. Warr, Jr. was elected to a position on the Board of Trustees for the University of South Carolina, 4th Judicial Circuit for a term to expire June 30, 2024.

Recorded Vote

Senator HARPOOTLIAN desired to be recorded as voting “No.”

**Election to the Board of Trustees for the
University of South Carolina, 6th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 6th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Hubert F. “Hugh” Mobley and Spiro G. Poulos had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Spiro G. Poulos was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Hubert F. “Hugh” Mobley was elected to a position on the Board of Trustees for the University of South Carolina, 6th Judicial Circuit for a term to expire June 30, 2022.

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**Election to the Board of Trustees for the
University of South Carolina, 8th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 8th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Alva C. “Bubba” Fennell III and Brian C. Harlan had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the name of Alva C. “Bubba” Fennell III was withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Brian C. Harlan was elected to a position on the Board of Trustees for the University of South Carolina, 8th Judicial Circuit for a term to expire June 30, 2024.

**Election to the Board of Trustees for the
University of South Carolina, 10th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 10th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Donald L. “Chuck” Allen, Emma W. Morris, Phillip D. Owens and Blair L. Stoudemire had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of Phillip D. Owens, Donald L. “Chuck” Allen and Blair L. Stoudemire were withdrawn from consideration.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Emma W. Morris was elected to a position on the Board of Trustees for the University of South Carolina, 10th Judicial Circuit for a term to expire June 30, 2024.

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**Election to the Board of Trustees for the
University of South Carolina, 14th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 14th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Rose B. Newton had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Rose B. Newton was elected to a position on the Board of Trustees for the University of South Carolina, 14th Judicial Circuit for a term to expire June 30, 2024.

**Election to the Board of Trustees for the
University of South Carolina, 15th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 15th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that J. Egerton Burroughs, L. Morgan Martin, R. Scott Plyer and Jasper N. Ramsey, Jr. had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Whitmire, with unanimous consent, the names of L. Morgan Martin and R. Scott Plyer were withdrawn from consideration.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for J. Egerton Burroughs:

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Jackson	Johnson	Loftis
Malloy	Massey	<i>Matthews, John</i>

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<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Talley
Turner	Williams	Young

Total--33

The following named Senators voted for Jasper N. Ramsey, Jr.:

Total--0

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for J. Egerton Burroughs:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bannister	Bennett	Blackwell
Bradley	Bryant	Burns
Calhoon	Clyburn	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Gagnon	Gilliam	Govan
Haddon	Hardee	Henderson-Myers
Herbkersman	Hewitt	Hill
Hiott	Hixon	Hosey
Huggins	Hyde	Jefferson
Johnson	Jones	Jordan
Kimmons	Ligon	Long
Lowe	Lucas	Magnuson
Martin	McCravy	McGinnis
McKnight	Morgan	D. C. Moss
V. S. Moss	Murphy	W. Newton
Oremus	Pope	Ridgeway
Rivers	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Trantham
West	Wheeler	Whitmire

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R. Williams	S. Williams	Willis
Wooten		

Total--82

The following named Representatives voted against J. Egerton

Burroughs:

Bernstein	Brawley	Brown
Clary	Cobb-Hunter	Garvin
Gilliard	Henegan	Howard
King	Mack	McDaniel
Norrell	Ott	Robinson
Rose	Rutherford	Stavrinakis
Thigpen	Weeks	Wetmore

Total--21

The following named Representatives voted for Jasper N. Ramsey, Jr.:

Garvin	King	Robinson
Rose	Rutherford	

Total--5

RECAPITULATION

Total number of Senators voting	33
Total number of Representatives voting.....	<u>108</u>
Grand Total.....	141
Necessary to a choice	61
Of which J. Egerton Burroughs received	115
Of which Jasper N. Ramsey, Jr. received	5

Whereupon, the PRESIDENT announced that the Honorable J. Egerton Burroughs, was elected to a position on the Board of Trustees for the University of South Carolina, 15th Judicial Circuit for a term to expire June 30, 2024.

Recorded Vote

Senators HARPOOTLIAN, HUTTO, SABB and SHEHEEN desired to be recorded as voting "No."

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**Election to the Board of Trustees for the
University of South Carolina, 16th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 16th Judicial Circuit.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Leah B. Moody had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Leah B. Moody was elected to a position on the Board of Trustees for the University of South Carolina, 16th Judicial Circuit for a term to expire June 30, 2024.

**Election to the Board of Trustees for
Winthrop University, 2nd Judicial Circuit, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Winthrop University, 2nd Judicial Circuit, Seat 2.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that John E. Brazell had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John E. Brazell was elected to a position on the Board of Trustees for Winthrop University, 2nd Judicial Circuit, Seat 2 for a term to expire June 30, 2026.

**Election to the Board of Trustees for
Winthrop University, 6th Judicial Circuit, Seat 6**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Winthrop University, 6th Judicial Circuit, Seat 6.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ashlye V.

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Wilkerson had been screened and found qualified to serve and placed her name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ashlye V. Wilkerson was elected to a position on the Board of Trustees for Winthrop University, 6th Judicial Circuit, Seat 6 for a term to expire June 30, 2026.

Election to the Board of Trustees for Winthrop University, At-Large, Seat 9

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Winthrop University, at-large, Seat 9.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that J. Randall Imler had been screened and found qualified to serve and placed his name in nomination.

Representative Whitmire moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable J. Randall Imler was elected to a position on the Board of Trustees for Winthrop University, at-large, Seat 9 for a term to expire June 30, 2026.

Election to the Board of Trustees for Wil Lou Gray Opportunity School Three At-Large Seats

The PRESIDENT announced that nominations were in order to elect a successor to positions on the Board of Trustees for Wil Lou Gray Opportunity School, three at-large seats.

Representative Whitmire, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Doris M. Adams, Bryan B. England, Kimberly L. Suber and Reginald J. Thomas had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

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The following named Senators voted for Doris M. Adams:

Alexander	Allen	Campbell
Campsen	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Grooms	Harpootlian	Hembree
Jackson	Johnson	Loftis
Malloy	McElveen	McLeod
Peeler	Rankin	Reese
Rice	Sabb	Setzler
Turner	Williams	Young

Total--27

The following named Senators voted for Bryan B. England:

Alexander	Campbell	Campsen
Corbin	Cromer	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Loftis	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Rice	Sabb
Setzler	Turner	Young

Total--21

The following named Senators voted for Kimberly L. Suber:

Allen	Cromer	Fanning
Goldfinch	Harpootlian	Hutto
Jackson	Johnson	Malloy
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Williams	

Total--17

The following named Senators voted for Reginald J. Thomas:

Alexander	Allen	Campbell
Campsen	Corbin	Fanning
Gambrell	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Loftis	Malloy
<i>Matthews, Margie</i>	McElveen	McLeod

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Nicholson	Reese	Rice
Setzler	Turner	Williams
Young		

Total--25

The following named Senators voted present:

Davis	Massey
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Total--2

On the motion of Representative Hiott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Doris M. Adams:

Allison	Anderson	Atkinson
Bailey	Bales	Bannister
Bennett	Blackwell	Bradley
Brawley	Bryant	Burns
Calhoon	Caskey	Chumley
Clary	Collins	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Gagnon
Haddon	Hardee	Hewitt
Hixon	Huggins	Jefferson
Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Martin
Matthews	McCravy	McKnight
D. C. Moss	V. S. Moss	Murphy
W. Newton	Oremus	Ott
Pope	Ridgeway	Rose
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Thigpen	Trantham	West
Wetmore	Whitmire	R. Williams
Willis	Wooten	

Total--71

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The following named Representatives voted for Bryan B. England:

Allison	Anderson	Atkinson
Bailey	Bales	Bannister
Bennett	Blackwell	Bradley
Bryant	Burns	Caskey
Chumley	Collins	B. Cox
Crawford	Daning	Davis
Erickson	Felder	Forrest
Forrester	Fry	Gagnon
Hardee	Hewitt	Hixon
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Martin	McDaniel
McGinnis	Morgan	D. C. Moss
V. S. Moss	Murphy	W. Newton
Oremus	Ott	Pope
Sandifer	Simrill	G. R. Smith
Sottile	Stringer	Tallon
Taylor	Thayer	Trantham
West	Whitmire	R. Williams

Total--57

The following named Representatives voted for Kimberly L. Suber:

Anderson	Atkinson	Bales
Ballentine	Bernstein	Brawley
Brown	Burns	Calhoon
Clary	Clyburn	Cobb-Hunter
B. Cox	W. Cox	Crawford
Dillard	Elliott	Finlay
Fry	Funderburk	Garvin
Gilliam	Gilliard	Govan
Haddon	Henderson-Myers	Henegan
Herbkersman	Hosey	Howard
Huggins	Hyde	Jefferson
Johnson	Kimmons	King
Kirby	Mack	Matthews
McCravy	McDaniel	McKnight
Moore	Morgan	Norrell
Ott	Parks	Pendarvis
Ridgeway	Rivers	Robinson

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Rose	Rutherford	G. M. Smith
Spires	Stavrinakis	Thigpen
Trantham	Weeks	Wetmore
R. Williams	S. Williams	Willis
Wooten		

Total--64

The following named Representatives voted for Reginald J. Thomas:

Allison	Bailey	Bannister
Bennett	Blackwell	Bradley
Brawley	Bryant	Calhoon
Caskey	Chumley	Clary
Collins	B. Cox	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Gagnon
Haddon	Hardee	Henderson-Myers
Hewitt	Hixon	Huggins
Jefferson	Jordan	Ligon
Long	Lowe	Lucas
Martin	Matthews	McCravy
McDaniel	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
W. Newton	Oremus	Pendarvis
Pope	Ridgeway	Rose
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Thigpen	West	Wetmore
Whitmire	Willis	Wooten

Total--66

RECAPITULATION

Total number of Senators voting	30
Total number of Representatives voting.....	<u>107</u>
Grand Total.....	137
Necessary to a choice	69
Of which Doris M. Adams received	98

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Of which Bryan B. England received 78
Of which Kimberly L. Suber received 81
Of which Reginald J. Thomas received 91

Whereupon, the PRESIDENT announced that the Honorable Doris M. Adams, the Honorable Kimberly L. Suber and the Honorable Reginald J. Thomas were elected to the positions on the Board of Trustees for Wil Lou Gray Opportunity School, three at-large seats for the term to expire June 30, 2024.

Immediately following the Joint Assembly called for the Election of College and University Boards of Trustees, the PRESIDENT announced that the Joint Assembly would proceed to the Election to the Public Service Commission.

Election to the Public Service Commission, Seat 1

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 1.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that John C. Dulude, William R. Sloger, Jr. and Carolyn “Carolee” Williams had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator ALEXANDER the names of John C. Dulude, William R. Sloger, Jr. were withdrawn from consideration.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Carolyn “Carolee” Williams was elected to the Public Service Commission, Seat 1 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

Election to the Public Service Commission, Seat 3

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 3.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Stephen “Mike” Caston, Willie J. Morgan and Comer H.

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“Randy” Randall had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator ALEXANDER the names of Willie J. Morgan and Comer H. “Randy” Randall were withdrawn from consideration.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stephen “Mike” Caston was elected to the Public Service Commission, Seat 3 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

Election to the Public Service Commission, Seat 5

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 5.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Headen B. Thomas had been screened and found qualified to serve and placed his name in nomination.

Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Headen B. Thomas was elected to the Public Service Commission, Seat 5 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting “No.”

Election to the Public Service Commission, Seat 7

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 7.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Clint A. Elliott, Thomas “Tee” Miller, Jr. and Delton W. Powers, Jr. had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator ALEXANDER the names of Thomas “Tee” Miller, Jr. and Clint A. Elliott were withdrawn from consideration.

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Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Delton W. Powers, Jr. was elected to the Public Service Commission, Seat 7 for the term to expire June 30, 2024.

Recorded Vote

Senator MARTIN desired to be recorded as voting "No."

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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.

asks for a Committee of Conference, and has appointed Reps. McCrary, G.M. Smith and Stavrinakis to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

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Having voted on the prevailing side, Senator TALLEY moved to reconsider the vote whereby the Senate nonconcurred in the House amendments.

The motion was adopted.

The question then was the concurrence in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 2

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--38

NAYS

Corbin	Rice
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Total--2

On motion of Senator TALLEY, 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.

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Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

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 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

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 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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

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STRUCTURES, SO AS TO REVISE THE DEFINITION OF "FARM STRUCTURE" FOR PURPOSES OF THIS SECTION.

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 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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

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DEFINITIONS OF THE TERMS "ALLIGATOR PROPAGATION FACILITY" AND "COMMERCIAL PURPOSES".

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 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

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 23, 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. 217 -- Senators Kimpson, Campsen, Senn and Scott: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10 OF THE 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND

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REPAIR OF FLOODING AND DRAINAGE AT
TOURISM-RELATED LANDS OR AREAS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 217 -- Senators Kimpson, Campsen, Senn and Scott: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10 OF THE 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

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 38; Nays 1

AYES

Alexander	Allen	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler

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Rankin	Reese	Rice
Sabb	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--38

NAYS

Hembree

Total--1

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.

Message from the House

Columbia, S.C., September 23, 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. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO

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UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GOLDFINCH, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

NONCONCURRENCE

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GOLDFINCH explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 42

AYES

Total--0

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NAYS

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--42

On motion of Senator GOLDFINCH, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO

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UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

asks for a Committee of Conference, and has appointed Reps. G.M Smith, Crawford and Stavrinakis to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

S. 259--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators GOLDFINCH, CLIMER and SABB were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**S. 259--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

On motion of Senator GOLDFINCH, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator GOLDFINCH spoke on the report.

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**S. 259--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator GOLDFINCH asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators GOLDFINCH, CLIMER and SABB 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 41; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

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On motion of Senator GOLDFINCH, the Report of the Committee of Free Conference to S. 259 was adopted as follows:

S. 259 --Free Conference Report

The General Assembly, Columbia, S.C., September 23, 2020

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

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. A. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 62

Disaster Relief and Resilience Act

Article 1

South Carolina Office of Resilience

Section 48-62-10. As used in this article:

- (1) ‘Fund’ means the Disaster Relief and Resilience Reserve Fund.
- (2) ‘Office’ means the South Carolina Office of Resilience.

Section 48-62-20. (A) There is created the South Carolina Office of Resilience. The office shall develop, implement, and maintain the Statewide Resilience Plan and shall coordinate statewide resilience and disaster recovery efforts, including coordination with federal, state, and local government agencies, stakeholders, and nongovernmental entities.

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(B) Additionally, the South Carolina Disaster Recovery Office as established by Executive Order 2016-13 and included within the South Carolina Department of Administration by Executive Order 2018-59 is transferred to, and incorporated into, the South Carolina Office of Resilience.

(C) The office shall be governed by a Chief Resilience Officer who shall be appointed by the Governor, with the advice and consent of the Senate. The Chief Resilience Officer shall serve at the pleasure of the Governor.

Section 48-62-30. To coordinate and strengthen efforts to reduce losses from future disasters across the State, the office shall develop, implement, and maintain a strategic Statewide Resilience Plan, which must include, but is not limited to:

(1) development and implementation of a Strategic Statewide Resilience and Risk Reduction Plan, which shall be developed in accordance with the principles recommended in the South Carolina Floodwater Commission Report and shall serve as framework to guide state investment in flood mitigation projects and the adoption of programs and policies to protect the people and property of South Carolina from the damage and destruction of extreme weather events. This plan shall be reviewed and revised at appropriate intervals determined by the Chief Resilience Officer and advisory agencies to assure that it continues to serve the health, safety, and welfare of the citizens of South Carolina over time. An initial version of this plan shall be completed by July 1, 2022, and shall, at minimum, include provisions that:

(a) describe known flood risks for each of the eight major watersheds of the State, as delineated in the Department of Health and Environmental Control's South Carolina Watershed Atlas;

(b) for each major watershed, examine present and potential losses associated with the occurrence of extreme weather events and other natural catastrophes in this State, and land management practices that potentiate extreme weather events, resulting in increased flooding, wildfires, and drought conditions;

(c) for each major watershed, identify data and information gaps that affect the capacity of state agencies or local governments to adequately evaluate and address the factors that increase flood risk, and recommend strategies to overcome such gaps;

(d) develop recommendations, at appropriate scale, including subwatershed or local governmental levels, to decrease vulnerabilities and adverse impacts associated with flooding. In developing these

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recommendations, the office shall, at a minimum, consider the following:

(i) the economic impact of best available projections related to the current and future risk of extreme weather events in this State including, but not limited to, the impact on forestry, agriculture, water, and other natural resources, food systems, zoning, wildlife, hunting, infrastructure, economic productivity and security, education, and public health;

(ii) the long-term costs, including ongoing operation and maintenance costs of specific projects or suites of flood mitigation projects and approaches;

(iii) opportunities to prioritize the role of nature-based solutions and other methods to restore the natural function of the floodplain;

(iv) possible cobenefits that may be achieved beyond flood reduction including, but not limited to, enhanced water supply, improvements in water quality, tourism and recreational opportunities, or protection of wildlife and aquatic resources;

(v) statutory or regulatory remedies for consideration by the General Assembly;

(vi) necessary state policies or responses, including alterations to state building codes and land use management, creation of additional programs or offices and directions for the provision of clear and coordinated services and support to reduce the impact of natural catastrophes and extreme weather events and increase resiliency in this State; and

(vii) potential financial resources available for increasing resiliency throughout the State;

(e) estimates of the number and cost of residential properties within the State for which a floodplain buyout may be appropriate;

(f) a strategy for providing resources, technical assistance, and other support to local governments for flood risk reduction action;

(g) plans for integrating recommended approaches to risk reduction into existing state strategies for hazard mitigation, environmental protection and economic opportunity and development;

(h) opportunities for stakeholder input from citizens around the State;

(2) coordination of statewide disaster recovery efforts and activities and collaboration between federal, state, and local stakeholders;

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(3) technical planning assistance for state and local governmental entities; and

(4) grants to institutions of higher education and other state and local governmental entities to conduct research related to resilience concerns specific to South Carolina.

Section 48-62-40. (A) To aid in the development of the Statewide Resilience Plan, there is created the Statewide Resilience Plan Advisory Committee. The committee must be composed of:

(1) the Director of the Department of Natural Resources, or his designee;

(2) the Director of the Department of Insurance, or his designee;

(3) a representative of the South Carolina Disaster Recovery Office appointed by the Chief Resilience Officer;

(4) the Commissioner of Agriculture, or his designee;

(5) the Director of the South Carolina Emergency Management Division, or his designee;

(6) the Executive Director of the Sea Grant Consortium, or his designee; and

(7) the Secretary of the Department of Commerce, or his designee.

(B) In addition to the members set forth in subsection (A), the Chief Resilience Office may add members to the advisory board as he deems necessary and proper. All governmental agencies must cooperate with advisory board to fulfill its mission.

Section 48-62-50. There is created in the State Treasury the Disaster Relief and Resilience Reserve Fund, which shall be separate and distinct from the general fund and all other reserve funds. Funds appropriated to the fund only may be used to develop, implement, and maintain the Statewide Resilience Plan, and for disaster relief assistance, hazard mitigation, and infrastructure improvements as set forth in this article. Interest accrued by the fund must remain in the fund and unexpended funds must be retained and carried forward to be used for the same purposes.

Section 48-62-60. (A) Following a federally declared disaster, the Disaster Relief and Resilience Reserve Fund may make available immediate disaster relief assistance to aid resilient rebuilding in affected communities with significant unmet needs. For purposes of this section, disaster relief assistance includes, but is not limited to:

(1) financial assistance to state and local governmental entities to provide the nonfederal share for federal disaster assistance programs;

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(2) infrastructure repairs for homeowners and communities that are not eligible for Community Development Block Grant - Disaster Recovery and other federal funding assistance;

(3) loans and grants to local governments in disaster areas that need immediate cash flow assistance;

(4) grants to governmental entities and organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code to repair or replace infrastructure or equipment damaged as a result of a natural disaster; and

(5) financial assistance for verifiable losses of agricultural commodities due to a natural disaster.

(B) Activities completed using disaster relief assistance from the fund shall account for future risks and hazard exposure in order to rebuild in a manner that will reduce the exposure of the community to future hazards and reduce future losses, consistent with the implementation of the Statewide Resilience Plan.

(C) In order to qualify for disaster relief assistance, eligible fund recipients must apply to the office and meet all criteria set forth by the office.

Section 48-62-70. (A) To satisfy the purposes of removing residents from hazard areas, safeguarding property, and restoring the natural function of the floodplain, the Disaster Relief and Resilience Reserve Fund may be allocated to enable hazard mitigation and infrastructure improvements through loans and through a competitive grant process administered by the office. For purposes of this section, hazard mitigation and infrastructure improvements include, but are not limited to:

(1) mitigation buyouts, relocations, and buyout assistance for homes, including multifamily units, not covered by Hazard Mitigation Grant Program;

(2) gap funding related to buyouts in order to move residents out of floodplain hazard areas and restore or enhance the natural flood-mitigation capacity of functioning floodplains;

(3) assistance to low- and moderate-income homeowners to help lower flood risk through flood insurance, structural and nonstructural mitigation projects, or other means;

(4) loans and grants to state and local governmental entities for hazard mitigation and infrastructure improvement projects; and

(5) approved mitigation projects identified in local post-disaster recovery plans created and adopted prior to a disaster.

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(B) Upon its creation, funding priority must be given to projects identified by the Statewide Resilience Plan or local hazard mitigation plans.

(C) In approving financial assistance for hazard mitigation and infrastructure improvement projects, the office shall ensure that selected projects are in compliance with requirements of the National Flood Insurance Program or any more stringent requirements adopted by a local government and shall give priority to projects which offer enhanced protection from future flood events or which utilize or incorporate natural features to achieve protections. Funds may not be used for projects which, rather than lowering risks overall, increase the flood vulnerabilities of neighboring areas.

(D) In order to qualify for hazard mitigation and infrastructure improvement grants and loans, eligible fund recipients must apply to the office and meet all criteria set forth by the office.

Article 3

South Carolina Resilience Revolving Fund

Section 48-62-310. As used in this article:

(1) ‘Authority’ means the South Carolina Disaster Recovery Office within the South Carolina Office of Resilience.

(2) ‘Conservation easement’ means an interest in real property as defined in Chapter 8, Title 27, the South Carolina Conservation Easement Act of 1991.

(3) ‘Eligible fund recipient’ means:

(a) the State of South Carolina and any agency, commission, or instrumentality of the State;

(b) local governments of the State and any agency, commission, or instrumentality of the local government; and

(c) land trusts operating within the State accredited by the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance that provides independent verification that land trusts meet the high standards of land conservation, stewardship, and nonprofit management in the nationally recognized Land Trust Standards and Practices.

(4) ‘Floodplain restoration’ means any activity undertaken to reestablish the hydrology and ecology of the floodplain to its natural state.

(5) ‘Fund’ means the South Carolina Resilience Revolving Fund.

(6) ‘Loan’ means a loan from the authority to an eligible fund recipient for the purpose of financing all or a portion of the cost of a project.

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(7) 'Loan agreement' means a written agreement between the authority and a project sponsor with respect to a loan.

(8) 'Loan obligation' means a bond, note, or other evidence of obligation issued by a project sponsor to evidence its indebtedness under a loan agreement with respect to a loan.

(9) 'Local government' means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or established pursuant to the laws of this State.

(10) 'Multifamily residence' means a building with multiple separate residential housing units.

(11) 'Office' means the South Carolina Office of Resilience.

(12) 'Primary single family residence' means a single detached dwelling that is occupied as the main home by the owners for the majority of the year.

(13) 'Proposed project' means a plan submitted to the authority by an eligible fund recipient for the use of loan funds.

(14) 'Repetitive loss' means a residence that sustained two or more incidents of weather-related flooding causing damages over one thousand dollars each within a period of ten consecutive years.

(15) 'Restrictive covenant' means a recorded covenant that imposes activity and use limitations on real property.

Section 48-62-320. There is created the South Carolina Resilience Revolving Fund. The fund is governed by the authority. The authority is a public instrumentality of this State, and the exercise by it of a power conferred in this article is the performance of an essential public function. The Director and staff of the South Carolina Disaster Recovery Office comprise the authority, under the supervision and review of the Chief Resilience Officer and the Governor.

Section 48-62-330. (A) With regard to the fund, the authority is authorized to:

(1) make and service below-market interest rate loans and grants as financial incentives to eligible fund recipients meeting the criteria of Section 48-62-50 for the purchase of flooded properties and land to complete floodplain restorations, so long as the loans advance the purposes of this article and meet applicable criteria;

(2) enter into loan agreements and accept and enforce loan obligations, so long as the loans advance the purposes of this article and meet applicable criteria;

(3) receive and collect the inflow of payments on loan amounts;

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(4) apply for and receive additional funding for the fund from federal, state, private, and other sources;

(5) receive charitable contributions and donations to the fund;

(6) receive contributions to the fund in satisfaction of any public or private obligation for flooding mitigation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions must be used as provided for in this article;

(7) make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions;

(8) establish policies and procedures for the making and administration of loans, fiscal controls, and accounting procedures to ensure proper accounting and reporting; and

(9) exercise its discretion in determining what portion of funds must be disbursed and awarded in any particular year and what portion of funds shall remain in the fund from one fiscal year to the next. Sums within the fund must be invested or deposited into interest-bearing instruments or accounts, and the accrued interest must be credited to the fund.

(B) To carry out these functions, the authority shall:

(1) operate a program in order to implement the purposes of this article;

(2) receive final approval from the State Fiscal Accountability Authority for fund disbursements prior to the issuance of a loan;

(3) develop additional guidelines and prescribe procedures, consistent with the criteria and purposes of this article;

(4) submit an annual report to the Governor, Lieutenant Governor, State Treasurer, and General Assembly that:

(a) accounts for fund receipts and disbursements;

(b) briefly describes applications submitted to the fund and, in greater detail, describes grants and loans that were approved or funded during the current year and the public benefits, including increased flood retention resulting from such grants and loans;

(c) describes recipients of fund loans and grant monies; and

(d) sets forth a list and description of all loans and grants approved and all acquisitions of homes and lands obtained since the fund's inception; and

(5) have an annual audit of the fund conducted by outside independent certified public accountants and submitted to the Governor, Lieutenant Governor, State Treasurer, and General Assembly. The

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accounting of fund receipts and expenditures required above must be part of this annual audit.

Section 48-62-340. (A) In the issuing of loans, the authority must:

(1) prioritize the buyout of blocks or groups of homes rather than individual homes so that no more than fifteen percent of funds disbursed in a fiscal year go toward individual home buyouts;

(2) prioritize buyouts of single-family primary residences and multifamily residences;

(3) consider the availability of additional funding sources leveraged by a project;

(4) prevent the use of the fund for homes built after July 1, 2020;

(5) prevent the use of the fund for proposed projects that involve the use of eminent domain; and

(6) prioritize the use of the fund for low- and moderate-income households making less than one hundred twenty-five percent of the median household income in the jurisdiction of the eligible fund recipient.

(B) The authority must issue loans using the following criteria and conditions:

(1) offer a funding package of grants and loans for a particular project that carries an overall effective interest rate equivalent to no higher than forty percent of the market interest rate as defined by the ten-year United States Treasury Yield Curve;

(2) make a portion of each loan available as a grant not requiring payment as a financial incentive to reduce the loan amount, that portion being no greater than twenty-five percent and no less than five percent of the total project disbursement, to incrementally reward those eligible fund recipients that execute beneficial flood mitigation practices. To qualify for a grant, eligible fund recipients must execute one or more of the following beneficial flood mitigation practices:

(a) ensuring residents relocate outside of the floodplain;

(b) aiding residents in relocating outside of the floodplain and within the tax base;

(c) aiding residents in relocating outside of the floodplain within an area designated as an opportunity zone;

(d) conducting floodplain restoration after the property is converted to open space to reestablish the full water storing benefits of the floodplain;

(e) completing a buyout of an area larger than ten acres; and

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(f) other activities as deemed appropriate by the authority so long as they contribute to flood resilience in the community of the buyout;

(3) require that acquired properties are returned to open space and that all future development on the parcel is prohibited in perpetuity through easement or restrictive covenant; and

(4) prohibit the use of more than five hundred thousand dollars for each housing unit receiving loan funds.

(C) Eligible fund recipients may apply for loans from the fund to complete:

(1) buyouts of repetitive loss properties;

(2) buyouts of repetitive loss properties with land intended for floodplain restoration; and

(3) floodplain restoration in connection with buyouts funded through other mechanisms.

(D) In order to qualify for a loan, eligible fund recipients must apply to the authority and, at a minimum, meet the following criteria:

(1) for buyouts of repetitive loss properties:

(a) identify specific properties included in the proposed project;

(b) demonstrate how the properties qualify as repetitive loss properties;

(c) identify a plan and timeline for returning the property to open space within six months following the completion of the buyout and holding an easement or restrictive covenant on the land in perpetuity;

(d) complete an economic assessment to show the costs and benefits of the project; and

(e) identify any beneficial flood mitigation practices planned for the project;

(2) for buyouts of repetitive loss properties with land intended for floodplain restoration:

(a) identify specific properties included in the proposed project;

(b) demonstrate how the properties qualify as repetitive loss properties;

(c) identify a plan and timeline for returning the property to open space within six months following the completion of the buyout and holding an easement or restrictive covenant on the land in perpetuity;

(d) complete an economic assessment to show the costs and benefits of the project;

(e) submit a plan for conducting floodplain restoration; and

(f) identify any additional beneficial flood mitigation practices planned for the project;

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(3) for other floodplain restoration:

(a) submit a plan and timeline for conducting floodplain restoration;

(b) identify a plan and timeline for holding an easement or restrictive covenant on the land in perpetuity;

(c) complete an economic assessment to show the costs and benefits of the project; and

(d) identify any additional beneficial flood mitigation practices planned for the project; and

(4) any additional criteria required by external grants contributing to the fund.

(E) Financial criteria also must be met pursuant to the standards set by the authority. The authority may require additional criteria and exercise discretion in issuing loans.

Section 48-62-350. (A) The fund must be held and administered by the authority in accordance with the provisions of this article and policies, rules, regulations, directives, and agreements as may be promulgated or entered into by the authority pursuant to this article. Earnings on balances in the fund must be credited to the fund. Amounts remaining in the fund at the end of the fiscal year accrue only to the credit of the fund. Amounts in the fund must be available in perpetuity for the purpose of providing financial assistance in accordance with the provisions of this article.

(B) The authority is authorized to deposit the following into the fund:

(1) federal capitalization grants, awards, or other federal assistance received by the office for the purposes of the fund;

(2) funds appropriated by the General Assembly for deposit to the fund;

(3) payments received from a recipient in repayment of a loan;

(4) interest or other income earned on the investment of monies in the fund; and

(5) additional monies made available from public or private sources for the purposes of which the fund has been established.

(C) Monies in the fund may only be used to:

(1) make loans to eligible fund recipients in accordance with the provisions of this article;

(2) earn interest on fund accounts; and

(3) provide for the program administration and project management activities of the fund.

(D) The authority may establish accounts and subaccounts within the fund as considered desirable to effectuate the purposes of this article.

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Section 48-62-360. In addition to appropriations made by the General Assembly, the office shall seek out additional sources of funding to sustain the fund, including federal dollars from the Department of Housing and Urban Development Community Development Block Grant-Disaster Recovery appropriations. Additional appropriations to the fund may be requested from the General Assembly so as to expand the capabilities of the fund.

Section 48-62-370. The office may:

- (1) promulgate regulations to effectuate the provisions of this article;
- (2) establish an operational structure within its authority to administer the fund;
- (3) develop priority systems that ensure consistency with the provisions of this article;
- (4) prepare annual plans in accordance with this article;
- (5) receive monies from the fund for program administration and project management activities of the fund; and
- (6) hire staff and employ agents, advisers, consultants, and other employees, including attorneys, financial advisers, engineers, and other technical advisers, and public accountants and determine their duties and compensation.

Section 48-62-380. The provisions of this article must be liberally construed to the end that its beneficial purposes may be effectuated. No proceeding, notice, or approval is required for loan obligations by a project sponsor or instruments or the security for the loan obligation, except as provided in this article. If the provisions of this article are inconsistent with the provisions of any other law, whether general, special, or local, then the provisions of this article are controlling.”

B.(A) As set forth in Section 48-62-20(B), (C) the South Carolina Disaster Recovery Office as established by Executive Order 2016-13 and included within the South Carolina Department of Administration by Executive Order 2018-59 is transferred to, and incorporated into, the South Carolina Office of Resilience.

(B) The South Carolina Disaster Recovery Office, and to the extent necessary, the South Carolina Department of Administration, shall take all necessary actions to accomplish this transfer in accordance with any state and federal laws and regulations.

(C) The employees, authorized appropriations, and assets and liabilities of the South Carolina Disaster Recovery Office also are transferred to and become part of the South Carolina Office of Resilience.

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(D) On the effective date of this act, all classified or unclassified personnel employed by the South Carolina Disaster Recovery Office, either by contract or by employment at will, and all permanent or temporary grant employees become employees of the South Carolina Office of Resilience, with the same compensation, classification, and grade level, as applicable.

(E) Any rules or regulations which have been promulgated by the South Carolina Disaster Recovery Office and any applicable contracts entered into by the South Carolina Disaster Recovery Office are continued in full force and effect.

SECTION 2. Section 6-29-510(D) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() a resiliency element that considers the impacts of flooding, high water, and natural hazards on individuals, communities, institutions, businesses, economic development, public infrastructure and facilities, and public health, safety and welfare. This element includes an inventory of existing resiliency conditions, promotes resilient planning, design and development, and is coordinated with adjacent and relevant jurisdictions and agencies. For the purposes of this item, ‘adjacent and relevant jurisdictions and agencies’ means those counties, municipalities, public service districts, school districts, public and private utilities, transportation agencies, and other public entities that are affected by or have planning authority over the public project. For the purposes of this item, ‘coordination’ means written notification by the local planning commission or its staff to adjacent and relevant jurisdictions and agencies of the proposed projects and the opportunity for adjacent and relevant jurisdictions and agencies to provide comment to the planning commission or its staff concerning the proposed projects. Failure of the planning commission or its staff to identify or notify an adjacent or relevant jurisdiction or agency does not invalidate the local comprehensive plan and does not give rise to a civil cause of action. This element shall be developed in coordination with all preceding elements and integrated into the goals and strategies of each of the other plan elements.”

SECTION 3. This act takes effect upon approval by the Governor. /
Amend title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE

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RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS; TO ESTABLISH THE SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT. /

/s/Stephen L. Goldfinch, Jr.
/s/ Senator Ronnie A. Sabb
/s/Sen. Senator Wes Climer
On Part of the Senate.

/s/G. Murrell Smith, Jr.
/s/Rep. Leon Stavrinakis
/s/Rep. Rep. Heather A. Crawford
On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. G.M Smith, Crawford and Stavrinakis to the Committee of Free Conference on the part of the House on:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER

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SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS; TO ESTABLISH THE SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS; TO ESTABLISH THE

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SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT.

Very respectfully,

Speaker of the House

Received as information.

**S. 259--REPORT OF COMMITTEE OF FREE CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 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. 426 -- Senators Goldfinch and Sabb: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GOLDFINCH, the Senate agreed to waive the provisions of Rule 32A requiring the Joint Resolution to be printed on the Calendar, proceeded to a consideration of the Joint Resolution, the question being concurrence in the House amendments.

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CONCURRENCE

S. 426 -- Senators Goldfinch and Sabb: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

The House returned the Joint Resolution with amendments, the question being concurrence in the House amendments.

Senator GOLDFINCH explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

On motion of Senator GOLDFINCH, the Senate concurred in the House amendments and a message was sent to the House accordingly.

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Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., September 23, 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. 753 -- Senators Gambrell and Cash: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator GAMBRELL, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 753 -- Senators Gambrell and Cash: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GAMBRELL explained the amendments.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--39

NAYS

Total--0

On motion of Senator GAMBRELL, 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.

Message from the House

Columbia, S.C., September 23, 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. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A

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FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CROMER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 1071 -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE BENEFIT PLAN" TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY; AND TO AMEND SECTIONS 38-7-30 AND 38-7-35, RELATING TO THE TAX ON FIRE INSURERS AND THE EXPENDITURE OF THE TAX, SO AS TO FUND THE PLAN.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator CROMER explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning

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Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--39

NAYS

Total--0

On motion of Senator CROMER, 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.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

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TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator SHEHEEN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

NONCONCURRENCE

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.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEHEEN explained the amendments.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 39

AYES

Total--0

NAYS

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--39

On motion of Senator SHEHEEN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it receded from its amendment on:

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,

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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.

Very respectfully,

Speaker of the House

Received as information.

ORDERED ENROLLED FOR RATIFICATION

The Bill, having received three readings in both Houses, was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkerson, 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.

Message from the House

Columbia, S.C., September 23, 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. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,

WEDNESDAY, SEPTEMBER 23, 2020

1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator HARPOOTLIAN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

S. 1099 -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942, SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, OR IMPORTER OF BEER SHALL NOT REQUEST OR REQUIRE THAT A WHOLESALER SUBMIT

WEDNESDAY, SEPTEMBER 23, 2020

CERTAIN INFORMATION FOR BEER BRANDS NOT MANUFACTURED, BREWED, OR IMPORTED BY THE MANUFACTURER, BREWER, OR IMPORTER; SHALL NOT MANDATE CERTAIN EMPLOYMENT MATTERS; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY BEER BRAND MARKETING OR ADVERTISING FUNDS; SHALL NOT SHIP, INVOICE, OR INITIATE PAYMENT FOR ANY QUANTITY OF BEER IN EXCESS OF THAT FORECAST BY A WHOLESALER OR FOR ANY POINT OF SALE ADVERTISING OR OTHER ITEMS IN EXCESS OF THAT SPECIFIED BY THE WHOLESALER; SHALL NOT ATTRIBUTE ANY FINANCIAL INTEREST TO A WHOLESALER FOR BEER NOT IN THE WHOLESALER'S POSSESSION; SHALL NOT REQUEST OR REQUIRE A WHOLESALER TO PAY FOR CERTAIN MATTERS PERTAINING TO SOFTWARE OWNED OR MANDATED BY THE MANUFACTURER, BREWER, OR IMPORTER; AND SHALL NOT REQUIRE PAYMENT OF A PENALTY BY THE WHOLESALER FOR NONCOMPLIANCE WITH ANY REQUIREMENT OF THE MANUFACTURER, BREWER, OR IMPORTER, EXCLUDING CERTAIN FEES OR INTEREST.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MASSEY spoke on the Bill.

Senator MASSEY moved to carry over the Bill.

Senator HARPOOTLIAN moved to table the motion to carry over the Bill.

The motion to carry over the Bill was laid on the table.

Senator HARPOOTLIAN explained the amendments.

Senator MASSEY spoke on the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 4

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AYES

Alexander	Allen	Campsen
Cash	Climer	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
<i>Matthews, Margie</i>	McElveen	Peeler
Rankin	Reese	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--30

NAYS

Corbin	Loftis	Massey
Rice		

Total--4

On motion of Senator HARPOOTLIAN, 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.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

WEDNESDAY, SEPTEMBER 23, 2020

A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

CONCURRENCE

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 House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Jackson

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Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	Nicholson
Peeler	Reese	Rice
Scott	Senn	Setzler
Turner	Williams	Young

Total--33

NAYS

Total--0

On motion of Senator DAVIS, 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.

HOUSE CONCURRENCES

S. 1233 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 178 AND UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY "GEORGE BAILEY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

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

WEDNESDAY, SEPTEMBER 23, 2020

OUTSTANDING ATHLETE AND TO CONGRATULATE HIM FOR BEING NAMED THE 2020 NBA ROOKIE OF THE YEAR.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was 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. 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

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LIMITATIONS ON THE OPERATIONS OF CERTAIN STATE PARKS.

HOUSE BILL RETURNED

The following Bill were read the third time and ordered returned to the House with amendments.

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.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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

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STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

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

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AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

On motion of Senator MASSEY.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

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

WEDNESDAY, SEPTEMBER 23, 2020

AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Very respectfully,

Speaker of the House

Received as information.

**H. 4431--SENATE INSISTS ON THEIR AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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.

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On motion of Senator CROMER, the Senate insisted upon its amendments to H. 4431 and asked for a Committee of Conference.

Whereupon, Senators CROMER, SHEHEEN and CORBIN 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 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Sandifer, Jordan and Mack to the Committee of Conference on the part of the House 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,

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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.

Very respectfully,

Speaker of the House

Received as information.

**H. 4431--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

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

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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.

On motion of Senator CROMER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SHEHEEN spoke on the report.

Senator CROMER spoke on the report.

H. 4431--Free Conference Powers Granted

Free Conference Committee Appointed

Senator SHEHEEN asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Free Conference Powers were granted.

Whereupon, Senators CROMER, SHEHEEN and CORBIN 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 35; Nays 1

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn

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Setzler
Williams

Sheheen
Young

Turner

Total--35

NAYS

Cromer

Total--1

On motion of Senator CROMER, the Report of the Committee of Free Conference to H. 4431 was adopted as follows:

H. 4431--Free Conference Report

The General Assembly, Columbia, S.C., September 23, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

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

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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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 09/22/20-S.)

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

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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

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(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.

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(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

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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

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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

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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 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.

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(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) A taxing jurisdiction may enter into a contract with a third party to assist the taxing jurisdiction in collecting delinquent business license taxes which includes a contingency fee based on a percentage of taxes collected or otherwise depends on the specific result obtained provided the third party may not be paid on a contingency or success basis until the taxing jurisdiction issues a proposed assessment of business license taxes and the business fails to appeal the proposed assessment in a timely manner or the appeal is adjudicated. This section does not apply to the collection of business license taxes pursuant to Article 20, Chapter 9, Title 58 and Chapters 7 and 45 of Title 38.

(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 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.

(F) 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.

(G) 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.

(H)(1) A person or entity may bring a private right of action:

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(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.”

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. /

Amend title to conform.

Sen. Ronnie W. Cromer	/s/Rep. Bill Sandifer
/s/Senator Vincent A. Sheheen	/s/Rep. David James Mack III
/s/Senator Thomas D. “Tom” Corbin	/s/Representative Wallace A. “Jay” Jordan, Jr.

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Sandifer, Jordan and Mack to the Committee of Free Conference on the part of the House 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

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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.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference 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,

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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.

Very respectfully,

Speaker of the House

Received as information.

**AMENDED, READ THE THIRD TIME
RETURNED TO HOUSE**

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

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DRIVER'S LICENSE MAY APPLY TO OBTAIN A VETERAN DESIGNATION ON HIS DRIVER'S LICENSE.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the House amendments.

Senators GROOMS, YOUNG and LOFTIS proposed the following amendment (3359R001.SP.R002.SP.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 147

‘Drivers For a Cure’ Special License Plates

Section 56-3-14710. (A) The Department of Motor Vehicles may issue ‘Drivers For a Cure’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-1-10, registered in their names. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) This special license plate must be the same size and general design as regular motor vehicle license plates.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for each special license plate is thirty dollars plus the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. Any portion of the thirty dollar fee in excess of the costs of production and distribution of the license plates must be distributed to the Duke Cancer Institute.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

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Senators GROOMS, MALLOY, WILLIAMS and LOFTIS proposed the following amendment (3359R002.SP.LKG), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 56-3-210(A)(9)(b) is amended to read:

“(b) Counties and other nondealer entities may receive temporary license plates from a registered distributor or the department. The department must receive all temporary tags from a statewide automobile dealer association.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question being third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Jackson
Johnson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Turner	Williams
Young		

Total--34

NAYS

Total--0

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There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

Motion Adopted

Senator GROOMS moved to recall the Bill from the House of Representatives.

The motion was adopted.

RECESS

At 2:26 P.M., on motion of Senator MASSEY, the Senate recessed from business until 3:30 P.M.

At 3:40 P.M., the Senate resumed.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**H. 3210--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator ALEXANDER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator ALEXANDER spoke on the report.

Senator SETZLER spoke on the Conference Report.

The question then was adoption of the Report of Committee of Conference.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 2

AYES

Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Turner	Williams	Young

Total--39

NAYS

Cash	Rice
------	------

Total--2

The Committee of Conference Committee was adopted as follows:

Statement by Senator CAMPSSEN

Each session, under the provisions of Section 8-13-700, I abstain from consideration of and voting on matters pertaining to the Patriots Point Development Authority. Consistent with that practice, I abstain from consideration and voting on any matters contained within H. 3210 pertaining to the Patriots Point Development Authority.

H. 3210--Conference Report

The General Assembly, Columbia, S.C., September 23, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

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,

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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.

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:

/ 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

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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 and higher education institutions 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, nonprofit and minority and small 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 Unemployment Trust Fund	\$420,000,000
(E) Department of Administration Nonprofit Relief Program	\$ 25,000,000
(F) Department of Administration Minority and Small Business Relief Program	\$ 40,000,000
(G) Department of Administration State, Local Government and 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.

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(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. State agencies may apply for reimbursement in a similar manner as set forth in SECTION 6 of Act 142 of 2020.

SECTION 6. (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. First, priority must be given to applicants that did not receive other assistance, such as a Paycheck Protection Program loan or other CARES funds. Then, 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, including access to health care supplies, mental health, and behavioral health; (6) criminal domestic violence and children's advocacy services; and (7) arts and cultural items or activities.

(2)(a) Applications for grants shall be evaluated and awarded by a panel consisting of:

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- (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;
- (vi) the Secretary of State, or his designee;
- (vii) the Director of the South Carolina Arts Commission, or his designee;
- (viii) the Director of the Department of Archives and History, or his designee; and
- (ix) the Executive Director of the South Carolina State Housing Finance and Development Authority, 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

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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 7. (A) There is established through the SC CARES Grant Management Program a minority and small business enterprise reimbursement grant program with the funds authorized in Section 3(F). The program shall award grants to qualifying minority and small 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 or small business enterprise between March 1, 2020, and December 1, 2020. A qualifying minority or small business enterprise may receive a grant in an amount between two thousand five hundred dollars and twenty-five thousand dollars. Minority and small 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)(1) Priority must be given to minority businesses, to applicants that did not receive other assistance, such as a Paycheck Protection Program loan or other CARES funds, to businesses with fifteen or fewer employees, and to businesses that demonstrate the greatest financial need.

(2)(a) Priorities must be assigned to minority and small business enterprises by a panel consisting of:

- (i) the Director of the Commission for Minority Affairs, or his designee;
- (ii) the Secretary of Commerce, or his designee; and
- (iii) the Director of the Department of Revenue, or his designee.

(b) In addition to assigning priorities, the panel also must make an initial determination of which applicants meet the definitions set forth in subsection (D). Once the panel has made such determinations and has assigned priorities, the panel shall award grants in the amounts determined by the SC CARES Act Grant Management Program and in accordance with this SECTION.

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(D) For the purposes of the minority and small business enterprise reimbursement grant program:

(1) “Economically disadvantaged individuals” means those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

(2) “Minority business enterprise” means a business with twenty-five or fewer employees 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 is owned by an individual who is a United States citizen and who is economically and socially disadvantaged.

(3) “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 or small business enterprise to receive federal emergency relief funds, including the Paycheck Protection Program, if the minority or small business enterprise has, or will, receive the federal emergency relief funds.

(4) “Small business enterprise” means a business with twenty-five or fewer employees 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.

(5) “Socially disadvantaged individuals” means those individuals who are members of the following groups: African Americans; Hispanic Americans; Native Americans (including individuals recognized as American Indians, Eskimos, Aleuts, and Native Hawaiians), and Asian Pacific Americans.

SECTION 8. 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 9. 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 10. (A)(1) State agencies, public institutions of higher learning, counties, municipalities, and special purpose districts are

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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 nonprofit 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. Bob Jones University and Clinton College are 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.

(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 nonprofit corporation and Bob Jones University and Clinton College, 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 11. 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.

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SECTION 12. 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 and Small Business Relief Program;
- (7) Department of Administration - Nonprofit 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.

SECTION 13. In order to address the extraordinary challenges facing Patriots Point Development Authority due to COVID-19, the authority shall utilize the \$1,000,000 authorized by proviso 52.2 and the \$1,700,000 appropriated by proviso 118.16, Item (45), both of Act 91 of 2019, for agency operating expenses. The Department of Administration shall assist Patriots Point in the development of a long-term financial strategy and operational plan. The provisions of this SECTION shall remain in effect until replaced by a subsequent act of the General Assembly.

SECTION 14. 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

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the total effective rates for 2021 rate classes at the same total effective rates as 2020 rate classes.

PART III

Miscellaneous Provisions

SECTION 15. Due to the strains caused by COVID-19, 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. To the extent allowed by the CARES Act, the Public Employee Benefit Authority may apply to have its implementation costs to be reimbursed.

SECTION 16. 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 17. The provisions of this act take effect upon approval of the Governor. /

Amend title to conform.

/s/Sen. Thomas C. Alexander

/s/Sen. Darrell Jackson Sr.

/s/Sen. Tom Davis

On Part of the Senate.

/s/Rep. George Murrell Smith Jr.

/s/Rep. William "Bill" Clyburn

/s/Rep. Kirkman Finlay III

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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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.

Very respectfully,

Speaker of the House

Received as information.

**H. 3210--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**H. 3485--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

WEDNESDAY, SEPTEMBER 23, 2020

On motion of Senator CROMER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CROMER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Sheheen	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

WEDNESDAY, SEPTEMBER 23, 2020

H. 3485--Conference Report

The General Assembly, Columbia, S.C., September 22, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

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:

/ 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.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

WEDNESDAY, SEPTEMBER 23, 2020

SECTION 1. A. Section 12-6-3535(E) of the 1976 Code is amended to read:

“(E) The South Carolina Department of Archives and History shall develop an application and may promulgate regulations, ~~including the establishment of fees,~~ needed to administer the certification process. The Department of Revenue may promulgate regulations, including the establishment of fees, to administer the tax credit.”

B. Section 12-6-3535 of the 1976 Code is amended by adding appropriately lettered subsections to read:

“() (1) A taxpayer claiming a credit pursuant to this section must pay a preliminary fee and a final fee to the Department of Archives and History for the State Historic Preservation Grant Fund based on the estimated qualified rehabilitation expenses or the actual rehabilitation expenses of the project, respectively, as set forth in items (2) and (3).

(2) The preliminary fee must be paid before review of an Historic Preservation Certification Application, Part 2, or a Certified Rehabilitation Application, S2. The fee schedule is as follows:

Projects less than \$500,000

0% of estimated expenses

Projects at least \$500,000 but less than 2,000,000

.1% of estimated expenses

Projects at least \$2,000,000 but less than \$4,000,000

.25% of estimated expenses

Projects \$4,000,000 or greater

.5% of estimated expenses.

(3) The final fee must be paid before review of an Historic Preservation Certification Application, Part 3, or a Certified Rehabilitation Application, S3, less any amount paid as a preliminary fee. The fee schedule is as follows:

Projects less than \$500,000

0% of actual expenses

Projects at least \$500,000 but less than \$2,000,000

.25% of actual expenses

Projects at least \$2,000,000 but less than \$4,000,000

.5% of actual expenses

Projects \$4,000,000 or greater

1.0% of actual expenses.

() The Department of Archives and History shall develop an application process for distribution of funds from the State Historic Preservation Grant Fund, to include eligibility criteria and grant requirements.”

WEDNESDAY, SEPTEMBER 23, 2020

SECTION 2. A. Section 12-6-5060(A) of the 1976 Code is amended to read:

“(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51-18-115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50-1-280, the Children’s Trust Fund of South Carolina established pursuant to Section 63-11-910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43-21-160, the First Steps to School Readiness Fund established pursuant to Section 63-11-1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44-43-1310, the Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21, Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23-3-65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K-12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48-59-60, the Financial Literacy Trust Fund established pursuant to Section 59-29-510, ~~or~~ the South Carolina Association of Habitat for Humanity Affiliates, or the Department of Archives and History and only used by the agency to purchase or preserve collections with significant historical value to the State by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated.”

B. Contributions made to the Department of Archives and History as provided in this act may be designated on an income tax return for tax years beginning after 2019.

SECTION 3. Except as otherwise provided, this act takes effect upon approval by the Governor and applies to income tax years beginning after 2019. /

Amend title to conform.

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/s/Sen. Ronnie W. Cromer /s/Rep. Wm. Weston J. Newton
/s/Sen. Floyd Nicholson /s/Rep. Robert Quintin Williams
/s/Sen. Chauncey K. "Greg" Gregory /s/Rep. Joseph Herman
Jefferson, Jr.

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 23, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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.

Very respectfully,

Speaker of the House

Received as information.

**H. 3485--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

WEDNESDAY, SEPTEMBER 23, 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 under the provisions of Rule 1B.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpoottian	Hembree	Hutto
Jackson	Johnson	Loftis
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn
Setzler	Sheheen	Turner
Williams	Young	

A quorum being present, the Senate resumed.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Education Committee, the following appointments were confirmed in open session:

Senator JOHNSON spoke on the confirmations.

Remarks by Senator JOHNSON

Thank you. We are making appointments and these appointments lack diversity. I would just preface my remarks that I'm not talking about any sort of quota system or anything like that, but it's a known fact that African Americans make up about 28% of the population in South

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Carolina, and we have African American and other minorities in this State who are very talented, educated and they have the experience and they are willing and able to serve in some of these positions. I would use myself as an example. As Chairman of much the Clarendon County Legislative Delegation, when I make appointments, I consider diversity and different parts of the county to make sure we have different representation. And when I appoint magistrates, I do the same. I think it is a disgrace. I have not been here as long as others -- I have been here eight years. The vast majority, the very vast majority of the appointments that we are asked to give advice and consent for and to confirm -- there's no emphasis placed on diversity sensitivity. And so I've sat here and I've voted for the people who come before us to be confirmed because I do believe that the Governor should have people serve him that he desires, but I wish that he desired to have people from diverse backgrounds. I just rise again to express my concerns. It was brought to my attention that yes, I have made these concerns in the past, but I have never done it in open forum on the record so I just want to be on the record to say that I think as a Governor and as a Senate that gives advice and consent that we really need to be aware of the fact that we need to at least put some emphasis on diversity. And as I said before, we do have people who are very talented from all walks of life that need and should have an opportunity to serve on some of these boards and some of these positions that we are confirming. I just want to go on the record and I hope that going forward we can do better. Some of the boards that are most coveted have no diversity and I think in 2020 that's just a shame. Thank you.

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator JOHNSON, were ordered printed in the Journal.

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

On motion of Senator HEMBREE, the question was confirmation of Randall S. Page.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
Matthews, Margie	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Randall S. Page was confirmed.

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.

On motion of Senator HEMBREE, the question was confirmation of Hubert F. Mobley.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin

2330

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Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Hubert F. Mobley was confirmed.

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointment was confirmed in open session:

Initial Appointment, Department of Natural Resources Board, with the term to commence July 1, 2018, and to expire July 1, 2022

7th Congressional District:

Jerry Allen Lee, 2611 Hanna Lake Road, Johnsonville, SC 29555-5241 *VICE* Keith C. Hinson

On motion of Senator CAMPSSEN, the question was confirmation of Jerry Allen Lee.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman

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Loftis	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Jerry Allen Lee was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was confirmed in open session:

Initial Appointment, Charleston Naval Complex Redevelopment Authority, with the term to commence September 23, 2020, and to expire September 23, 2024

At-Large:

William L. Schachte, Jr., 172 Broad Street, Charleston, SC 29401-2453

On motion of Senator ALEXANDER, the question was confirmation of William L. Schachte, Jr.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Harpootlian	Hembree	Hutto
Jackson	Johnson	Malloy
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler

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Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Sheheen	Turner
Williams	Young	

Total--35

NAYS

Total--0

The appointment of William L. Schachte, Jr. was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointments were confirmed in open session:

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

On motion of Senator VERDIN, the question was confirmation of Michael Bedenbaugh.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 0; Abstain 2

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Davis	Fanning	Gambrell
Goldfinch	Gregory	Harpootlian
Hembree	Jackson	Johnson
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott

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Senn	Setzler	Sheheen
Turner	Williams	Young

Total--33

NAYS

Total--0

ABSTAIN

Cromer	Hutto
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Total--2

The appointment of Michael Bedenbaugh was confirmed.

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

On motion of Senator VERDIN, the question was confirmation of Kelli Garber.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 1

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Harpootlian	Hembree	Jackson
Johnson	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler

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Sheheen
Young

Turner

Williams

Total--34

NAYS

Total--0

ABSTAIN

Hutto

Total--1

The appointment of Kelli Garber was confirmed.

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

On motion of Senator VERDIN, the question was confirmation of
Archie L. McKnight.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 2

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler

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Sheheen
Young

Turner

Williams

Total--34

NAYS

Total--0

ABSTAIN

Cromer

Hutto

Total--2

The appointment of Archie L. McKnight was confirmed.

Having received a favorable report from the Transportation Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence May 10, 2018, and to expire February 15, 2022

At-Large :

Nancy Whitworth, 15 Harbor Oaks Drive, Greenville, SC 29609-4949
VICE Kristen E. Blanchard (resigned)

On motion of Senator GROOMS, the question was confirmation of Nancy Whitworth.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 0

AYES

Alexander	Allen	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Loftis	Malloy	Massey
Matthews, Margie	McElveen	McLeod
Nicholson	Peeler	Rankin

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Reese	Rice	Sabb
Senn	Setzler	Sheheen
Turner	Williams	Young

Total--36

NAYS

Total--0

The appointment of Nancy Whitworth was confirmed.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Cassandra Keller, 165 Blair Road, St. Matthews, SC 29135-8539

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Peter Brandt Shelbourne, 116 South Oak Street, Summerville, SC 29483

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Janice Simmons, 262 Mallard Road, Summerville, SC 29483-7937

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jacquelyn G. Jenkins, 1819 Community Dr., Reevesville, SC 29471

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485-8480

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Victor G. Stephens, 205 Bryant Street, St. George, SC 29477-2364

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Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Valerie Lawrence, 108 Ty Drive, Eutawville, SC 29048-8973 *VICE*
Jacob Gillens, Sr.

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael Murphy, 129 Royal Troon Court, Summerville, SC 29483-5137

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 7:41 P.M., on motion of Senator MASSEY, the Senate adjourned pursuant to the provisions of Rule 1B.

* * *

Thursday, September 24, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator JACKSON. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

Message from the House

Columbia, S.C., September 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. 3780 -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 59 SO AS TO CREATE THE "GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM", TO FACILITATE THE DEPLOYMENT OF BROADBAND TO UNSERVED AREAS OF THE STATE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY FUND, TO PROVIDE THAT ANY PROPERTY OWNED BY A MUNICIPALITY MAY BE LEASED OR RENTED IN CERTAIN SITUATIONS, TO PROVIDE THAT A MUNICIPALITY-OWNED UTILITY MAY BE LEASED, TO PROVIDE THAT A MUNICIPALITY IS AUTHORIZED TO SELL OR LEASE ANY PUBLIC ENTERPRISE THAT IT OWNS, TO PROVIDE THAT THE STATE SHALL ALLOW COLLOCATION, INSTALLATION, AND OPERATION OF CERTAIN EQUIPMENT BY A BROADBAND PROVIDER ON ANY EXISTING STRUCTURES, AND TO PROVIDE FOR A MONTHLY 911 SERVICE CHARGE; AND TO

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DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 7, TITLE 59 AS "ARTICLE 1, GENERAL PROVISIONS".
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 24, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

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

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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.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

H. 5564 -- Reps. Sandifer and Whitmire: A BILL TO AMEND ACT 1041 OF 1970, AS AMENDED, RELATING TO THE ASSESSMENT OF TAXES IN OCONEE COUNTY, SO AS TO REVISE THE MEMBERSHIP AND COMPOSITION OF THE OCONEE COUNTY BOARD OF ASSESSMENT APPEALS.

On motion of Senator ALEXANDER.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

H. 3780 -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 59 SO AS TO CREATE THE "GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM", TO FACILITATE THE DEPLOYMENT OF BROADBAND TO UNSERVED AREAS OF THE STATE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY FUND, TO PROVIDE THAT ANY PROPERTY OWNED BY A MUNICIPALITY MAY BE LEASED OR RENTED IN CERTAIN SITUATIONS, TO PROVIDE THAT A MUNICIPALITY-OWNED UTILITY MAY BE LEASED, TO PROVIDE THAT A

THURSDAY, SEPTEMBER 24, 2020

MUNICIPALITY IS AUTHORIZED TO SELL OR LEASE ANY PUBLIC ENTERPRISE THAT IT OWNS, TO PROVIDE THAT THE STATE SHALL ALLOW COLLOCATION, INSTALLATION, AND OPERATION OF CERTAIN EQUIPMENT BY A BROADBAND PROVIDER ON ANY EXISTING STRUCTURES, AND TO PROVIDE FOR A MONTHLY 911 SERVICE CHARGE; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 7, TITLE 59 AS “ARTICLE 1, GENERAL PROVISIONS”.

On motion of Senator RANKIN.

H. 4262 -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G.R. Smith, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO ENACT THE “SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT”; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO PROVIDE, AMONG OTHER THINGS, THAT CERTAIN AGREEMENTS OR ENACTMENTS PERTAINING TO THE DEPLOYMENT OF SMALL WIRELESS FACILITIES THAT DO NOT COMPLY WITH CERTAIN PROVISIONS OF THIS ACT MUST BE DEEMED INVALID AND UNENFORCEABLE BEGINNING OCTOBER 1, 2019; TO PROVIDE THAT CERTAIN UNITS OF LOCAL GOVERNMENT “AUTHORITIES” WITH CONTROL OVER RIGHTS OF WAY MAY NOT PROHIBIT, REGULATE, OR CHARGE FOR THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES; TO PROVIDE THAT SMALL WIRELESS FACILITIES MUST BE CLASSIFIED AS PERMITTED USES AND NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER SPECIFIED CIRCUMSTANCES; TO PROVIDE REQUIREMENTS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND ISSUANCE OF PERMITS FOR COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE AUTHORITIES TO ALLOW THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES UNDER SPECIFIED CIRCUMSTANCES; TO PROHIBIT AUTHORITIES FROM REGULATING THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY SMALL WIRELESS FACILITY IN SPECIFIED CIRCUMSTANCES; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS JURISDICTION TO

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RESOLVE ALL DISPUTES ARISING UNDER THE ACT; AND TO PROHIBIT AN AUTHORITY FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY THE AUTHORITY OR ITS OFFICERS OR EMPLOYEES AND FROM NAMING THE AUTHORITY AS AN ADDITIONAL INSURED ON A WIRELESS PROVIDER'S INSURANCE POLICY.

On motion of Senator GAMBRELL.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on September 24, 2020, at 3:00 P.M. and the following Acts and Joint Resolutions were ratified:

(R150, S. 181) -- Senators McElveen, Johnson, McLeod, Climer and Shealy: AN ACT TO AMEND SECTION 63-9-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED DISCLOSURE OF INFORMATION TO A PROSPECTIVE ADOPTIVE PARENT, SO AS TO ALLOW A BIOLOGICAL PARENT TO PROVIDE PERSONAL MEDICAL HISTORY AT THE TIME OF ADOPTION CONSENT OR RELINQUISHMENT, AND TO REQUIRE THAT SUCH INFORMATION BE DISCLOSED TO THE PROSPECTIVE ADOPTIVE PARENT AND TO THE ADOPTEE UPON REACHING THE AGE OF MAJORITY OR PRIOR TO THE AGE OF MAJORITY FOR GOOD CAUSE SHOWN.

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(R151, S. 207) -- Senator Young: AN ACT TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROGRAMS AND UNIFORM ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT, SO AS TO PROVIDE THAT AN OWNER ELIGIBLE FOR AND RECEIVING THE SPECIAL ASSESSMENT PURSUANT TO SECTION 12-43-220 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; TO AMEND SECTION 12-37-220, RELATING TO GENERAL PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE AN EXEMPTION FOR CERTAIN LEASEHOLD INTERESTS IN AND IMPROVEMENTS TO PROPERTY OWNED BY AN ENTITY THAT PROVIDES CERTAIN HOUSING ACCOMMODATIONS TO LOW INCOME PERSONS; AND TO AMEND SECTION 31-6-30, RELATING TO HOUSING AND

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REDEVELOPMENT DEFINITIONS, SO AS TO PROVIDE THAT A REDEVELOPMENT PROJECT 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.

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(R152, S. 217) -- Senators Kimpson, Campsen, Senn and Scott: AN ACT TO AMEND SECTION 6-1-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPENDITURE OF LOCAL HOSPITALITY TAX REVENUE, SO AS TO ALLOW THE REVENUE ALSO TO BE USED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE WITHIN OR ON TOURISM-RELATED LANDS OR AREAS AND FOR SITE PREPARATION FOR CERTAIN ITEMS INCLUDING, BUT NOT LIMITED TO, DEMOLITION, REPAIR, OR CONSTRUCTION; TO CLARIFY THAT EXPENDITURES TO CONTROL AND REPAIR FLOODING AND DRAINAGE WITHIN OR ON TOURISM-RELATED LANDS OR AREAS MUST BE DESIGNED TO ELIMINATE OR MITIGATE THE ADVERSE EFFECTS OF RECURRENT NUISANCE FLOODING, AND TO PROVIDE EXAMPLES AND LIMITATIONS; AND TO EXTEND THE DEADLINE FOR THE SUBMISSION OF CERTAIN LOCAL GOVERNMENT COMPREHENSIVE PLANS DUE TO COVID-19.

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(R153, S. 259) -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 62 TO TITLE 48 SO AS TO ESTABLISH THE SOUTH CAROLINA OFFICE OF RESILIENCE, TO DEVELOP, IMPLEMENT, AND MAINTAIN A STATEWIDE RESILIENCE PLAN AND TO COORDINATE STATEWIDE RESILIENCE AND DISASTER RECOVERY EFFORTS, TO PROVIDE THAT A CHIEF RESILIENCE OFFICER SHALL GOVERN THE OFFICE, TO ESTABLISH THE STATEWIDE RESILIENCE PLAN ADVISORY COMMITTEE, TO TRANSFER

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THE SOUTH CAROLINA DISASTER RECOVERY OFFICE TO THE SOUTH CAROLINA OFFICE OF RESILIENCE, AND TO CREATE THE DISASTER RELIEF AND RESILIENCE RESERVE FUND TO FUND THE STATEWIDE RESILIENCE PLAN, DISASTER RELIEF ASSISTANCE, AND HAZARD MITIGATION AND INFRASTRUCTURE IMPROVEMENTS, TO ESTABLISH THE SOUTH CAROLINA RESILIENCE REVOLVING FUND TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION; AND TO AMEND SECTION 6-29-510, RELATING TO COMPREHENSIVE PLANS OF LOCAL PLANNING COMMISSIONS, SO AS TO REQUIRE LOCAL COMPREHENSIVE PLANS TO INCLUDE A RESILIENCE ELEMENT.

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(R154, S. 426) -- Senators Goldfinch and Sabb: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

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(R155, S. 545) -- Senator Alexander: AN ACT TO AMEND SECTION 12-39-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPRAISAL AND ASSESSMENT OF PERSONAL PROPERTY, SO AS TO REQUIRE THE COUNTY AUDITOR TO USE A SPECIFIC FORM; TO AMEND SECTION 12-6-40, AS AMENDED, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2019, TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES, AND TO SPECIFICALLY NOT ADOPT CERTAIN TAX PROVISIONS; AND TO SPECIFY THE TAX CONSEQUENCES OF A PAYCHECK PROTECTION PROGRAM LOAN AND THE EXPENSE THEREOF.

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(R156, S. 613) -- Senator Malloy: AN ACT TO AMEND SECTION 59-48-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENDOWMENT FUND OF THE SCHOOL OF SCIENCE AND MATHEMATICS, SO AS TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND TO PROVIDE FOR THE ORGANIZATION AND OPERATION OF THE ENDOWMENT FUND; BY ADDING SECTION 59-49-35 SO AS TO REQUIRE CERTAIN TRAINING OF THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-85 SO AS TO PROVIDE QUALIFICATIONS OF THE FACULTY OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-112 SO AS TO PROVIDE THE BOARD OF THE JOHN DE LA HOWE SCHOOL SHALL ESTABLISH THE STANDARD COURSE OF STUDY OF THE SCHOOL; BY ADDING SECTION 59-49-115 SO AS TO PROVIDE FOR THE AWARDED OF DIPLOMAS BY THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-117 SO AS TO PROVIDE ADMISSIONS REQUIREMENTS OF STUDENTS OF THE JOHN DE LA HOWE SCHOOL; BY ADDING SECTION 59-49-135 SO AS TO PROVIDE THE BOARD OF THE JOHN DE LA HOWE SCHOOL SHALL ESTABLISH A FOUNDATION AND MAINTAIN AN ENDOWMENT FUND FOR THE SCHOOL IN A CERTAIN MANNER; BY ADDING SECTION 59-49-160 SO AS TO PROVIDE CERTAIN PUBLIC SAFETY MEASURES REGARDING THE JOHN DE LA HOWE SCHOOL; TO AMEND SECTION 59-49-10, RELATING TO THE ESTABLISHMENT OF THE JOHN DE LA HOWE SCHOOL, SO AS TO RENAME AND REESTABLISH THE SCHOOL AS THE "GOVERNOR'S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE", AND TO PROVIDE THE PURPOSE OF THE SCHOOL; TO AMEND SECTION 59-49-20, RELATING TO THE BOARD OF TRUSTEES OF THE JOHN DE LA HOWE SCHOOL, SO AS TO ADD CERTAIN EX OFFICIO MEMBERS; TO AMEND SECTION 59-49-30, RELATING TO REMOVAL OF BOARD MEMBERS OF THE JOHN DE LA HOWE SCHOOL BOARD OF TRUSTEES BY THE GOVERNOR FOR CAUSE, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-40, RELATING TO MEETINGS OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 59-49-70, RELATING TO THE DECLARATION OF THE SCHOOL AS A BODY POLITIC, SO AS TO MAKE CONFORMING CHANGES

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CONCERNING THE RENAMING OF THE SCHOOL; TO AMEND SECTION 59-49-100, RELATING TO THE PURPOSE OF THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE ADDITIONAL ADMISSIONS CRITERIA; TO AMEND SECTION 59-49-110, RELATING TO THE CONDUCT OF FORESTRY AND FARM PRACTICES BY THE JOHN DE LA HOWE SCHOOL AND USE OF REVENUE DERIVED FROM THESE PRACTICES, SO AS TO PROVIDE THE SCHOOL SHALL SERVE AS A DEMONSTRATION FARM AND PROVIDE INSTRUCTION AND SUPPORT TO FARMERS AND PERSONS WORKING IN, OR WHO HAVE AN INTEREST IN, THE BUSINESS OF AGRICULTURE; TO AMEND SECTION 59-49-130, RELATING TO PROVISIONS CONCERNING THE USE OF INCOME DERIVED FROM CERTAIN ENDEAVORS BENEFITING THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE FOR THE USE OF INCOME DERIVED FROM SUCH ENDEAVORS; AND TO AMEND SECTION 59-49-150, RELATING TO EXPENSES OF STUDENTS OF THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE STUDENTS WHO ARE LEGAL RESIDENTS OF THIS STATE ARE NOT REQUIRED TO PAY TUITION BUT SHALL PAY CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES UNLESS THEY MEET CERTAIN POVERTY REQUIREMENTS, AND TO PROVIDE ALL OUT-OF-STATE AND FOREIGN EXCHANGE STUDENTS WHO ATTEND THE SCHOOL SHALL PAY TUITION AND CERTAIN FEES FOR MAINTENANCE AND FOOD SERVICES.

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(R157, S. 719) -- Senators Hembree, Fanning and Campsen: AN ACT TO AMEND SECTION 33-57-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS, SO AS TO INCREASE THE MAXIMUM FAIR MARKET VALUE OF AN INDIVIDUAL PRIZE; TO AMEND SECTION 33-57-150, RELATING TO ALLOWABLE EXPENSES FOR A RAFFLE, SO AS TO ADJUST CERTAIN RECORDING REQUIREMENTS AND ALLOW A NONPROFIT ORGANIZATION TO SUBMIT A SINGLE REPORT FOR ALL RAFFLES CONDUCTED; AND TO REPEAL SECTION 33-57-200 RELATING TO THE REPEAL OF CHAPTER 57, TITLE 33.

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(R158, S. 753) -- Senators Gambrell and Cash: AN ACT TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO TRANSFER ONE PERCENT OF THE REVENUES TO THE V-SAFE PROGRAM; AND TO TRANSFER CERTAIN FUNDS TO THE V-SAFE PROGRAM.

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(R159, S. 881) -- Senator Cromer: AN ACT TO AMEND SECTION 38-9-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO, AMONG OTHER THINGS, ADOPT THE RECIPROCAL JURISDICTION AMENDMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC) MODEL LAW AND TO MAKE OTHER CONFORMING CHANGES; AND TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT A STATUTORY REFERENCE.

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(R160, S. 882) -- Senators Cromer and Bennett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRIVATE FLOOD INSURANCE ACT" BY ADDING CHAPTER 101 TO TITLE 38 SO AS TO ADVANCE DIFFERENT FLOOD INSURANCE COVERAGES.

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(R161, S. 977) -- Senator Rankin: AN ACT TO ADOPT REVISED CODE VOLUMES 11A AND 20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2020.

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(R162, S. 993) -- Senator Hembree: AN ACT TO AMEND SECTION 61-4-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES BY PERMITTED WINERIES, SO AS TO PROVIDE THAT A PERMITTED WINERY IS ELIGIBLE FOR A SPECIAL PERMIT SUBJECT TO CERTAIN LIMITATIONS; TO AMEND SECTION 61-4-1515, RELATING TO SALES BY PERMITTED BREWERIES, SO AS TO INCREASE THE MAXIMUM

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AMOUNT OF BEER THAT MAY BE SOLD TO AN INDIVIDUAL FOR OFF-PREMISES CONSUMPTION; AND TO AMEND SECTION 61-4-550, RELATING TO PERMITS TO SELL BEER AND WINE AT A FAIR OR SPECIAL FUNCTION, SO AS TO REQUIRE AN APPLICANT TO NOTIFY THE STATE LAW ENFORCEMENT DIVISION THAT ALCOHOL WILL BE SERVED AT A FAIR OR SPECIAL FUNCTION.

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(R163, S. 1048) -- Senators Rice, Rankin, Campbell and Alexander: AN ACT TO AMEND SECTION 13-1-1030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERS SERVING ON THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT A RESIDENT COMMISSION MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS; AND TO AMEND SECTION 13-1-1050, RELATING TO THE TERMS OF THE AERONAUTICS COMMISSION, SO AS TO MAKE CONFORMING CHANGES.

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(R164, S. 1068) -- Senator Campsen: AN ACT TO AMEND SECTION 50-1-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF BIRDS, ANIMALS, AND FISH, SO AS TO CLASSIFY CERTAIN BIRDS AS MIGRATORY WATERFOWL; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE THAT REVENUES FROM THE SALE OF RESIDENT AND NONRESIDENT MIGRATORY WATERFOWL PERMITS ARE TO BE USED FOR THE DEVELOPMENT, PROTECTION, AND PROPAGATION OF WATERFOWL IN THIS STATE; TO REPEAL SECTION 50-11-20 RELATING TO THE MIGRATORY WATERFOWL COMMITTEE; AND TO REPEAL SECTION 50-9-670 RELATING TO MIGRATORY WATERFOWL PERMITS.

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(R165, S. 1071) -- Senators Alexander, Talley, Grooms, Martin, Young, Peeler, Senn, Cash, Gambrell, Reese, Goldfinch, Fanning and Johnson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-197 SO AS TO ESTABLISH THE "FIREFIGHTER CANCER HEALTH CARE

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BENEFIT PLAN” TO PROVIDE A SUPPLEMENTAL INSURANCE POLICY UPON A FIREFIGHTER BEING DIAGNOSED WITH CANCER AND TO SET FORTH THE BENEFITS CONTAINED IN THE POLICY.

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(R166, S. 1099) -- Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-942 SO AS TO PROHIBIT A MANUFACTURER, BREWER, OR IMPORTER OF BEER FROM REQUIRING A WHOLESALER TO UNDERTAKE CERTAIN ACTIONS.

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(R167, S. 1121) -- Senators Hutto and M.B. Matthews: AN ACT 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 INITIALLY BY A BOARD OF TRUSTEES CONSISTING OF NINE MEMBERS, WHICH MUST BE APPOINTED BY THE HAMPTON COUNTY LEGISLATIVE DELEGATION; TO PROVIDE THAT BEGINNING IN 2022, THE INITIAL NINE-MEMBER APPOINTED BOARD SHALL BEGIN THE PROCESS OF TRANSITIONING TO A SEVEN-MEMBER ELECTED BOARD OF TRUSTEES BY ELECTING FOUR MEMBERS TO SERVE FOUR-YEAR TERMS FROM SINGLE-MEMBER ELECTION DISTRICTS 1, 3, 5, AND 7 IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION; TO ESTABLISH CONTINUITY OF LEADERSHIP PROVISIONS BY REQUIRING THE HAMPTON COUNTY LEGISLATIVE DELEGATION TO SELECT THREE MEMBERS FROM THE INITIAL NINE-MEMBER APPOINTED BOARD TO SERVE ALONGSIDE THE FOUR MEMBERS ELECTED IN 2022 UNTIL THE THREE APPOINTED MEMBERS’ SUCCESSORS ARE ELECTED TO SERVE FOUR-YEAR TERMS FROM SINGLE-MEMBER ELECTION DISTRICTS 2, 4, AND 6 IN NONPARTISAN ELECTIONS TO BE

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CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION, AND, THEREAFTER, TO PROVIDE THAT 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; 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, 2022, 2023, AND 2024, AND TO PROVIDE THAT BEGINNING IN 2025, THE HAMPTON COUNTY SCHOOL DISTRICT IS AUTHORIZED TO APPROVE AN ANNUAL TAX LEVY IN ORDER TO OBTAIN FUNDS FOR SCHOOL PURPOSES AS PROVIDED IN THIS ACT; TO TRANSFER THE ASSETS AND LIABILITIES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 TO THE HAMPTON COUNTY SCHOOL DISTRICT ON JULY 1, 2021; AND TO REPEAL ALL LOCAL ACTS INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

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(R168, S. 1191) -- Senator M.B. Matthews: AN ACT TO AMEND ACT 278 OF 1985, AS AMENDED, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

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(R169, S. 1263) -- Senator Sheheen: AN ACT 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

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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.

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(R170, 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: AN ACT 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 FUNDS MAY BE EXPENDED.

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(R171, H. 3257) -- Reps. Moore, S. Williams, Clyburn, McDaniel, Matthews, Pendarvis, Henderson-Myers, Govan, King, Ridgeway, Hosey, Wheeler, Wooten, Clary, Elliott and W. Cox: AN ACT TO AMEND SECTION 59-32-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTRUCTION REQUIRED UNDER THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO REVISE EXISTING AGE-APPROPRIATE STANDARDS AND CONCEPTS THAT ADDRESS MENTAL, EMOTIONAL, AND SOCIAL HEALTH DURING ITS NEXT CYCLICAL REVIEW.

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(R172, H. 3351) -- Reps. Jefferson, W. Newton, R. Williams and Weeks: AN ACT 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

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CERTAIN PROCEEDS GENERATED BY ITS OPERATIONS; TO AMEND SECTION 60-11-60, RELATING TO THE MANAGEMENT AND ADMINISTRATION OF THE DEPARTMENT, SO AS TO PROVIDE THE DIRECTOR MAY DO ADDITIONAL WORK WITH PAY IF APPROVED BY THE COMMISSION OF ARCHIVES AND HISTORY, AND TO DELETE A PROVISION REQUIRING THE DIRECTOR TO FURNISH INFORMATION FOR FREE; AND TO REPEAL SECTION 60-11-120 RELATING TO THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF DEPARTMENT OF ARCHIVES AND HISTORY.

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(R173, H. 3485) -- Reps. Jefferson, R. Williams, Cobb-Hunter and Weeks: AN ACT 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.

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(R174, 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: AN ACT TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO THREE YEARS WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.
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(R175, H. 3755) -- Reps. Sandifer, Spires and Anderson: AN ACT 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"; 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; AND TO EXTEND THE REDEMPTION PERIOD FOR TWELVE MONTHS.
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(R176, H. 3780) -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 9, TITLE 58 SO AS TO CREATE THE "BROADBAND ACCESSIBILITY ACT", TO, AMONG OTHER THINGS, SET FORTH THE BROADBAND AUTHORITY OF ELECTRIC COOPERATIVES AND TO SET FORTH THE MANNER IN WHICH BROADBAND NETWORKS ARE CONSTRUCTED; TO AMEND SECTION 33-49-20, RELATING TO ELECTRIC COOPERATIVES, SO AS TO DEFINE TERMS; TO AMEND SECTION 33-49-150, RELATING TO THE AUTHORITY OF THE OFFICE OF REGULATORY STAFF, SO AS TO SET FORTH THE OFFICE'S BROADBAND AUTHORITY; TO AMEND SECTION 33-49-250, RELATING TO THE POWERS OF ELECTRIC COOPERATIVES, SO AS TO PROVIDE CERTAIN BROADBAND AUTHORITY; BY ADDING SECTION 58-31-230 SO AS TO SET FORTH THE BROADBAND AUTHORITY OF THE PUBLIC SERVICE AUTHORITY; AND TO SPECIFY THAT THIS ACT DOES NOT

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CONVEY OR CONFER ANY IMPLIED OR EXPRESS GRANT OF AUTHORITY TO AN INVESTOR-OWNED ELECTRIC UTILITY TO PROVIDE BROADBAND FACILITIES OR BROADBAND SERVICES.

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(R177, H. 3800) -- Reps. B. Cox, Hiott, Elliott, Morgan, White, Clemmons, Hyde, Caskey, Magnuson, Hewitt, Trantham, Davis, Forrest and Hixon: AN ACT TO AMEND SECTION 50-9-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPRENTICE HUNTING LICENSES, SO AS TO ALLOW FOR A PERSON WITH AN APPRENTICE HUNTING LICENSE TO WAIVE THE CERTIFICATE OF COMPLETION REQUIREMENT; AND TO AMEND SECTION 50-9-510, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO PROVIDE THAT A NONRESIDENT WHO MEETS THE QUALIFICATIONS OF AN APPRENTICE HUNTER MAY PURCHASE A THREE-DAY HUNTING LICENSE.

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(R178, H. 4021) -- Reps. Clary, W. Newton, R. Williams and Funderburk: AN ACT 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.

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(R179, H. 4327) -- Reps. R. Williams, Jefferson, Ott, Magnuson, Chumley and Burns: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-67 SO AS TO PROVIDE THAT STRUCTURES WITHOUT A COMMERCIAL

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KITCHEN USED IN AGRITOURISM ACTIVITY AS DEFINED BY SECTION 46-53-10 SHALL FALL UNDER THE GROUP A-3 CLASSIFICATION, AS DEFINED IN THE LATEST EDITION OF THE APPLICABLE BUILDING CODES PURSUANT TO SECTION 6-9-50, AND THAT THESE STRUCTURES MAY ACCOMMODATE UP TO THREE HUNDRED GUESTS WITHOUT INSTALLING A SPRINKLER SYSTEM.

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(R180, 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: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-400 SO AS TO, AMONG OTHER THINGS, PROVIDE BUSINESS LICENSE TAX STANDARDIZATION, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE MANNER IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PRESCRIBE THE MANNER IN WHICH BUSINESS LICENSES ARE PURCHASED, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE; BY ADDING SECTION 6-1-410 SO AS TO, AMONG OTHER THINGS, DEFINE THE PROCEDURES BY WHICH THE TAXING JURISDICTION MAY SERVE NOTICE OF ASSESSMENT OF THE BUSINESS LICENSE TAX DUE WHEN A TAXPAYER FAILS OR REFUSES TO PAY A BUSINESS LICENSE TAX AND THE PROCEDURES BY WHICH A TAXPAYER MAY REQUEST AN ADJUSTMENT OF THE ASSESSMENT OR APPEAL THE NOTICE OF FINAL ASSESSMENT; AND BY ADDING SECTION 6-1-420 SO AS TO, AMONG OTHER THINGS, PROVIDE THAT A TAXING JURISDICTION, UNDER CERTAIN CONDITIONS AND LIMITATIONS, MAY CONTRACT BY ORDINANCE WITH AN INDIVIDUAL, FIRM, OR ORGANIZATION TO ASSIST WITH COLLECTING PROPERTY OR BUSINESS LICENSE TAXES, AND TO ESTABLISH A PRIVATE RIGHT OF ACTION FOR PERSONS OR ENTITIES BASED ON VIOLATIONS OF THIS ACT OR ANY REGULATIONS PRESCRIBED PURSUANT TO THIS ACT.

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THURSDAY, SEPTEMBER 24, 2020

(R181, H. 4663) -- Reps. Finlay and Wheeler: AN ACT 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 UNDER TWELVE YEARS OF AGE PURSUANT TO PROTOCOL ISSUED BY THE BOARD OF MEDICAL EXAMINERS UPON RECOMMENDATION OF THE JOINT PHARMACIST ADMINISTERED VACCINES COMMITTEE.
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(R182, H. 5149) -- Reps. Forrest, Clyburn and Ott: AN ACT 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.
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(R183, H. 4724) -- Reps. Gilliard, Clyburn, Hosey, Jefferson, R. Williams and King: A JOINT RESOLUTION TO ESTABLISH THE 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.
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(R184, H. 4831) -- Reps. Hixon, Ligon, B. Newton, Forrest, R. Williams and Jefferson: AN ACT 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

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THE RELEASE OF NONNATIVE CAPTIVE WILDLIFE IN THIS STATE; TO AMEND SECTION 50-15-70, RELATING TO PROTECTIONS FOR CERTAIN TURTLES IN THIS STATE, SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO NATIVE TURTLES AND PROVIDE POSSESSION LIMITS; TO AMEND SECTION 50-15-10, RELATING TO DEFINITIONS, SO AS TO DEFINE NEW TERMS AND EXPAND THE TERM "NONGAME SPECIES"; 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".

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(R185, H. 4938) -- Rep. Ridgeway: AN ACT 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.

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(R186, 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 STUDY COMMITTEE'S MEMBERSHIP AND THE COMMITTEE'S AFFILIATED

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NONVOTING ADVISORY BOARD, TO PROVIDE THAT THE COMMITTEE SHALL STUDY WHETHER TO RECOMMEND THE ADOPTION OF VARIOUS ELECTRICITY MARKET REFORM MEASURES AFFECTING THE PROVISION OF ELECTRIC SERVICE IN SOUTH CAROLINA AND THE POTENTIAL PUBLIC BENEFITS ASSOCIATED WITH THESE MEASURES, TO REQUIRE THE STUDY COMMITTEE TO ISSUE A REPORT WITH FINDINGS AND RECOMMENDATIONS, TO REQUIRE THE STUDY COMMITTEE TO RETAIN A THIRD-PARTY, INDEPENDENT, EXPERT CONSULTANT, OR CONSULTANTS, TO ADVISE THE STUDY COMMITTEE, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

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(R187, H. 4945) -- Reps. Hewitt, Erickson, Bradley, Hiott, R. Williams, Jefferson, Rivers and Mace: AN ACT TO AMEND SECTION 48-39-290, AS AMENDED, 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.

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(R188, 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: AN ACT 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

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SPIRITS TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY.

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(R189, H. 5030) -- Reps. Murphy, Chellis and Kimmons: AN ACT 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.

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(R190, H. 4262) -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G.R. Smith, S. Williams and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO, AMONG OTHER THINGS, ENACT THE "SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO MAKE PROVISIONS FOR CERTAIN AGREEMENTS OR ENACTMENTS ADDRESSING THE DEPLOYMENT OF SMALL WIRELESS FACILITIES ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO PROVIDE, AMONG OTHER THINGS, GUIDELINES AND PROCEDURES TO UNITS OF LOCAL GOVERNMENT REGARDING ENACTMENTS ADDRESSING DECORATIVE POLES, UNDERGROUND DISTRICTS, DESIGN DISTRICTS, AND HISTORIC DISTRICTS; TO AFFIRM THE POWERS OF UNITS OF LOCAL GOVERNMENT WITH RESPECT TO WIRELESS FACILITIES THAT ARE NOT SMALL WIRELESS FACILITIES LOCATED WITHIN RIGHTS OF WAY; TO PROVIDE, AMONG OTHER THINGS, GUIDELINES AND PROCEDURES TO WIRELESS PROVIDERS AND UNITS OF LOCAL GOVERNMENT WITH CONTROL OVER RIGHTS OF WAY REGARDING THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES WITHIN RIGHTS OF WAY; TO MAKE PROVISIONS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND THE ISSUANCE OF PERMITS FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE THAT APPLICATIONS TO

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COLLOCATE SMALL WIRELESS FACILITIES PURSUANT TO THIS ARTICLE MUST BE PROCESSED ON A NONDISCRIMINATORY BASIS; TO ENUMERATE THE CONDITIONS UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY DENY AN APPLICANT'S PROPOSED COLLOCATION OF A SMALL WIRELESS FACILITY, AND TO PROVIDE THAT SUBJECT TO THE ABILITY OF A UNIT OF LOCAL GOVERNMENT TO DENY AN APPLICATION, THE COLLOCATION OF SMALL WIRELESS FACILITIES MUST BE ALLOWED ON NONDISCRIMINATORY TERMS AND CONDITIONS; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS CONTESTED CASE JURISDICTION TO DETERMINE ALL DISPUTES ARISING UNDER THIS ACT; AND TO PROHIBIT A UNIT OF LOCAL GOVERNMENT FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY AND HOLD THE AUTHORITY AND ITS OFFICERS AND EMPLOYEES HARMLESS AGAINST ANY CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, OR FEES, EXCEPT WHEN A COURT OF COMPETENT JURISDICTION HAS FOUND THAT THE NEGLIGENCE OF THE WIRELESS PROVIDER WHILE INSTALLING, REPAIRING, OR MAINTAINING FACILITIES, POLES, OR SUPPORT STRUCTURES PURSUANT TO THIS ACT CAUSED THE HARM THAT CREATED SUCH CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, OR FEES.

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ADJOURNMENT

At 11:06 A.M., on motion of Senator CROMER, the Senate adjourned pursuant to the provisions of S. 1194, the *Sine Die* Resolution.

* * *

HOUSE BILLS & RESOLUTIONS DEBATED IN THE SENATE

- H. 3020--Rep. Com. [84](#); Obj. [104](#).
- H. 3029--Rep. Com. [703](#); Carried Over [1131](#); Obj. [1182](#), [1233](#).
- H. 3066--Int. & Com. [856](#).
- H. 3174--M. from H. [127](#); Ret. by H. with Amdt. & Conc. in H. Amend [588](#); Rec. Vt. [589](#); Rat. [705](#).
- H. 3197--Int. & Com. [908](#).
- H. 3199--Int. & Com. [626](#); Obj. [2149](#).
- H. 3200--Rep. Com. [634](#); Carried Over [1127](#), [1229](#); Obj. [1182](#); Amendment Proposed, Carried Over [1289](#); Amended & 2d R. [1311](#); Rec. Vt. [1312](#); 3d R. [1428](#); Rat. [1925](#); M. from H. 1981.
- H. 3210--Rep. Com. [1978](#); Committee Amendment Adopted, Amended & 2d R. [2027](#); Rec. Vt. [2038](#), [2039](#), [2040](#), [2312](#); 3d R. [2066](#); Ret. by H. with Amdt. & Non-Concur in H. Amend's [2090](#); M. from H. 2090, [2321](#); Conf. Com. [2091](#); Conf. Com. Reappointed [2114](#); Rep. Conf. Com. Adopted [2311](#); Rat. [2352](#).
- H. 3244--Int. [627](#).
- H. 3257--Int. & Com. [627](#); Recalled [1974](#); Obj. [2069](#); Amended & 2d R. [2115](#); Rec. Vt. [2116](#); 3d R. [2290](#); M. from H. 2290; Rat. [2352](#).
- H. 3263--Obj. [86](#).
- H. 3307--Carried Over [90](#), [103](#), [131](#); Obj. [585](#), [1181](#), [1228](#).
- H. 3309--Rep. Com. [1076](#); Obj. [1185](#); Committee Amendment Adopted, Amended & 2d R. [1251](#); Rec. Vt. [1254](#); 3d R. [1287](#); Rat. [1474](#).
- H. 3328--Int. & Com. [975](#).
- H. 3351--Rep. Com. [1308](#); Committee Amendment Adopted & 2d R. [1994](#); Rec. Vt. [1995](#); 3d R. [2064](#); M. from H. 2251; Rat. [2352](#).
- H. 3357--M. from H. [584](#), [801](#), [814](#); Rep. Conf. Com. [802](#); Rep. Conf. Com. Adopted [801](#); Rec. Vt. [802](#); Rat. [1343](#).
- H. 3359--Recalled & 2d R. [2094](#); Motion Under Rule 26B; Amended & 3d R. [2308](#); Rec. Vt. [2310](#); Motion Adopted [2311](#).
- H. 3596--Amended & 2d R. [2066](#); Rec. Vt. [2069](#), [2282](#); 3d R. [2089](#); M. from H. 2280, [2282](#); Motion Adopted [2281](#); Ret. by H. with Amdt. & Non-Concur in H. Amend's [2281](#).

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- H. 3441--Int. [2056](#).
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- H. 3596--Rep. Com. [634](#); Committee Amendment Adopted, Amended & Carried Over [1230](#); Adoption of Amendment Reconsidered [1290](#); Carried Over [1290](#); Amendment Proposed, Carried Over [1313](#); Obj. [1992](#); Amended & 2d R. [2066](#); Rec. Vt. [2069](#); 3d R. [2089](#); Rat. [2353](#).
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- H. 3695--Int. & Com. [628](#); Rep. Com. [775](#); 2d R. [1144](#); Rec. Vt. [1144](#); Obj. [1178](#); 3d R. [1224](#); Rat. [1344](#).
- H. 3755--Obj. [1427](#); Amended & 3d R. [1992](#); M. from H. 2286; Motion Adopted [2287](#); Ret. by H. with Amdt. & Conc. in H. Amend [2287](#); Rec. Vt. [2287](#); Rat. [2354](#).
- H. 3780--Recalled, Amended & 2d R. [2149](#); Rec. Vt. [2168](#); 3d R. [2341](#); M. from H. 2339; Rat. [2354](#).
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H. 4411--M. from H. [584](#), [910](#); Ret. by H. with Amdt. & Amend H. Amend's [879](#); Motion Adopted to Reconsider Amendment and Amendment Withdrawn [901](#); Non-Concur in H. Amend's [901](#); Conf. Com. [911](#); Fr. Conf. Com. [1260](#); Rep. Fr. Conf. Com. Adopted [1259](#).

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HEMBREE, GREG - Senator from District No. 28, Horry and Dillon Counties:

S. 870, 914, 915, 916, 917, 985, 986, 987, 990, 993, 1000, 1002, 1013, 1030, 1033, 1042, 1043, 1053, 1056, 1065, 1073, 1076, 1077, 1079, 1085, 1087, 1096, 1104, 1135, 1143, 1170, 1192, 1204, 1208, 1209, 1215, 1216, 1217, 1226, 1227, 1229, 1240, 1241, 1242, 1243, 1244, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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HUTTO, C. BRADLEY - Senator from District No. 40, Orangeburg, Barnwell, Allendale, Bamberg, Colleton and Hampton Counties:

S. 865, 870, 871, 872, 892, 901, 958, 963, 965, 996, 997, 1002, 1018, 1044, 1046, 1053, 1056, 1057, 1063, 1065, 1073, 1076, 1079, 1085, 1093, 1096, 1099, 1100, 1103, 1111, 1121, 1129, 1132, 1135, 1143, 1147, 1148, 1161, 1162, 1170, 1188, 1192, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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JACKSON, DARRELL - Senator from District No. 21, Richland County:

S. 865, 870, 872, 883, 892, 961, 995, 997, 1005, 1024, 1035, 1053, 1056, 1060, 1065, 1073, 1076, 1079, 1085, 1096, 1111, 1125, 1135, 1143, 1147, 1149, 1153, 1154, 1161, 1170, 1192, 1215, 1216, 1217, 1226, 1227, 1229, 1235, 1236, 1252, 1253, 1254, 1255, 1257, 1264, 1265, 1266, 1268, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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JOHNSON, KEVIN L. - Senator from District No. 36, Clarendon, Darlington, Florence and Sumter Counties:

S. 870, 910, 975, 1053, 1056, 1065, 1071, 1073, 1076, 1077, 1079, 1085, 1096, 1099, 1104, 1111, 1135, 1143, 1161, 1170, 1173, 1178, 1192, 1204, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1279, 1281, 1282, 1284

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KIMPSON, MARLON E. - Senator from District No. 42, Charleston and Dorchester Counties:

S. 870, 935, 936, 1002, 1053, 1056, 1065, 1073, 1076, 1079, 1083, 1085, 1096, 1135, 1143, 1161, 1170, 1188, 1192, 1193, 1204, 1212, 1215, 1216, 1217, 1223, 1226, 1227, 1229, 1245, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1279, 1281, 1282, 1284

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LEATHERMAN, HUGH K. - Senator from District No. 31, Florence and Darlington Counties:

S. 1053, 1056, 1065, 1073, 1079, 1085, 1096, 1135, 1143, 1152, 1170, 1192, 1215, 1216, 1217, 1226, 1227, 1229, 1240, 1241, 1242, 1243, 1244, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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LOFTIS, DWIGHT A. - Senator from District No. 6, Greenville County:

S. 990, 1034, 1053, 1056, 1065, 1073, 1076, 1079, 1085, 1087, 1096, 1130, 1135, 1143, 1157, 1169, 1170, 1181, 1192, 1200, 1201, 1214, 1215, 1216, 1217, 1226, 1227, 1229, 1240, 1241, 1242, 1243, 1244, 1257, 1259, 1264, 1266, 1273, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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MALLOY, GERALD - Senator from District No. 29, Darlington, Lee, Marlboro and Chesterfield Counties:

S. 870, 877, 878, 901, 934, 966, 994, 1002, 1008, 1018, 1053, 1056, 1065, 1067, 1073, 1076, 1077, 1079, 1085, 1096, 1104, 1134, 1135, 1143, 1161, 1170, 1173, 1192, 1194, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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MARTIN, SHANE R. - Senator from District No. 13, Spartanburg, Union and Greenville Counties:

S. 1053, 1056, 1059, 1065, 1071, 1073, 1079, 1085, 1093, 1096, 1101, 1104, 1111, 1135, 1143, 1170, 1192, 1201, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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MASSEY, A. SHANE - Senator from District No. 25, Edgefield, McCormick, Aiken, Saluda and Lexington Counties:

S. 883, 886, 887, 888, 889, 890, 991, 1010, 1053, 1056, 1065, 1073, 1077, 1079, 1085, 1087, 1096, 1097, 1111, 1113, 1132, 1135, 1143, 1170, 1192, 1200, 1201, 1215, 1216, 1217, 1226, 1227, 1229, 1240, 1241, 1242, 1243, 1244, 1257, 1259, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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MATTHEWS, JOHN W., JR. - Senator from District No. 39, Orangeburg, Dorchester, Colleton, Calhoun and Berkeley Counties:

S. 870, 958, 998, 1024, 1053, 1056, 1063, 1065, 1073, 1076, 1079, 1085, 1096, 1104, 1111, 1135, 1143, 1148, 1161, 1162, 1170, 1192, 1199, 1215, 1216, 1217, 1221, 1222, 1226, 1227, 1229, 1232, 1233, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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MATTHEWS, MARGIE BRIGHT - Senator from District No. 45, Jasper, Hampton, Colleton, Beaufort, Charleston and Allendale Counties:

S. 870, 879, 906, 918, 919, 920, 943, 1002, 1053, 1056, 1065, 1066, 1073, 1076, 1077, 1079, 1085, 1096, 1104, 1121, 1129, 1132, 1135, 1143, 1161, 1170, 1191, 1192, 1193, 1215, 1216, 1217, 1226, 1227, 1229, 1238, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1284

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MCELVEEN, J. THOMAS, III - Senator from District No. 35, Sumter, Lee, Kershaw and Richland Counties:

S. 870, 885, 893, 921, 961, 962, 964, 994, 1002, 1050, 1053, 1056, 1065, 1073, 1076, 1077, 1079, 1085, 1096, 1111, 1129, 1135, 1143, 1161, 1170, 1173, 1192, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1268, 1275, 1276, 1277, 1278, 1279, 1281, 1282, 1284

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MCLEOD, MIA S. - Senator from District No. 22, Richland and Kershaw Counties:

S. 870, 918, 927, 928, 929, 930, 931, 932, 933, 934, 935, 943, 961, 971, 973, 997, 1018, 1019, 1024, 1053, 1056, 1065, 1066, 1073, 1076, 1079, 1085, 1096, 1099, 1104, 1111, 1116, 1124, 1135, 1143, 1149, 1161, 1170, 1192, 1210, 1211, 1215, 1216, 1217, 1226, 1227, 1229, 1238, 1256, 1257, 1264, 1266, 1267, 1268, 1271, 1272, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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NICHOLSON, FLOYD - Senator from District No. 10, Greenwood, Abbeville, Saluda and McCormick Counties:

S. 870, 901, 970, 1015, 1053, 1056, 1061, 1065, 1073, 1076, 1079, 1085, 1096, 1104, 1111, 1135, 1143, 1161, 1170, 1192, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1279, 1281, 1282, 1284

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PEELER, HARVEY S., JR. - Senator from District No. 14, Cherokee, York, Union and Spartanburg Counties:

S. 864, 990, 992, 1001, 1053, 1056, 1065, 1071, 1073, 1076, 1079, 1085, 1096, 1128, 1135, 1143, 1146, 1170, 1192, 1194, 1202, 1215, 1216, 1217, 1226, 1227, 1229, 1239, 1240, 1241, 1242, 1243, 1244, 1257, 1259, 1264, 1266, 1274, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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RANKIN, LUKE A. - Senator from District No. 33, Horry County:

S. 870, 906, 977, 983, 996, 999, 1002, 1048, 1053, 1056, 1065, 1072, 1073, 1079, 1085, 1096, 1111, 1129, 1135, 1143, 1170, 1192, 1215, 1216, 1217, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1279, 1281, 1282, 1284

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REESE, GLENN G. - Senator from District No. 11, Spartanburg County:

S. 870, 879, 1053, 1056, 1065, 1071, 1073, 1076, 1079, 1085, 1096, 1099, 1135, 1143, 1161, 1170, 1192, 1215, 1216, 1217, 1226, 1227, 1228, 1229, 1247, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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RICE, REX F. - Senator from District No. 2, Pickens County:

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SABB, RONNIE A. - Senator from District No. 32, Williamsburg, Horry, Georgetown, Florence and Berkeley Counties:

S. 870, 910, 999, 1002, 1024, 1053, 1056, 1065, 1073, 1075, 1076, 1079, 1085, 1096, 1099, 1111, 1129, 1135, 1143, 1161, 1170, 1192, 1204, 1207, 1212, 1215, 1216, 1217, 1224, 1226, 1227, 1229, 1257, 1264, 1266, 1275, 1276, 1277, 1278, 1281, 1282, 1284

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Rule 15C

Pursuant to Rule 15C, the PRESIDENT moved that a time certain be set on the entire matter in Interrupted Debate, S. 419, at 11:15 A.M., on Thursday, February 20, [2020](#), that the Clerk be prohibited from receiving further amendments, other than technical or correcting amendments, after 10:30 A.M. on Thursday, February 20, [2020](#), and further, when the time certain arrives that the Senate proceed to a consideration, seriatim, of the amendments on the Desk and debate be limited to six minutes equally divided between proponents and opponents.

The motion failed. [902](#)

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