

NO. 16

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

THURSDAY, FEBRUARY 4, 2021

**Thursday, February 4, 2021
(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:

Psalm 62:5

The Psalmist tells us: "Find rest, O my soul, in God alone; my hope comes from him."

Please, let us pray: Almighty and ever-loving God, hear us today as we bow before You, disconcerted and even unsettled as we look to the future, seeking hope: hope in our daily lives, hope for this State, hope for the future of this Nation we love. Scripture speaks boldly of the hope we find in You, O Lord. And even the great seal of this State proclaims, *Dum Spiro Spero*, "while I breathe I hope." The need for hopefulness is clearly woven into our very lives. So we are calling upon You who labor in this Senate to do Your part actively to keep "hope" alive for every child, woman, and man dwelling in this State. It is indeed a formidable task on many levels, we realize. But our prayers will ever embrace Your efforts to fulfill the yearnings of our hearts. Now we further pray, Lord, that You will be with Senator Turner and his family in the death yesterday of the Senator's mother. Grant them Your peace in their time of loss. In our Lord's precious name we ask this. Amen.

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

Point of Quorum

At 11:04 A.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:

Adams	Alexander	Allen
Bennett	Cash	Cromer
Davis	Fanning	Gambrell

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Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Malloy
Martin	Massey	McElveen
Peeler	Rice	Sabb
Scott	Setzler	Shealy
Talley	Turner	Verdin
Young		

A quorum being present, the Senate resumed.

Leave of Absence

At 11:05 A.M., Senator MASSEY requested a leave of absence for Senators CORBIN and SENN for the day.

Leave of Absence

At 11:05 A.M., Senator McELVEEN requested a leave of absence for Senator KIMPSON for the day.

Leave of Absence

At 1:42 P.M., Senator CROMER requested a leave of absence for Senator CAMPSEN for the balance of the day.

Leave of Absence

At 2:45 P.M., Senator VERDIN requested a leave of absence on Tuesday, February 9, 2021 and Wednesday, February 10, 2021.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator RANKIN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 147	Sen. Climer
S. 271	Sen. Climer
S. 290	Sen. Rice
S. 369	Sen. Grooms
S. 436	Sen. Gambrell

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S. 479 Sens. Gambrell, Harpootlian, K. Johnson
S. 514 Sen. McLeod
S. 516 Sens. Scott, McLeod, Turner and Matthews
S. 528 Sen. Loftis

RECALLED

S. 486 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME HIGHWAY 17-A AT ITS CROSSING OF THE CSX MAIN LINE IN MONCKS CORNER "STEVE C. DAVIS VIADUCT" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 524 -- Senators Turner, Bennett, McElveen and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-280 SO AS TO ALLOW A RETAIL DEALER LICENSED TO SELL BEER AND WINE IN THIS STATE TO USE A DELIVERY SERVICE, OR ITS OWN EMPLOYEES OR INDEPENDENT CONTRACTORS TO FACILITATE THE DELIVERY OF CERTAIN BEER AND WINE, TO PROVIDE FOR A DELIVERY LICENSE, TO SPECIFY CERTAIN DELIVERY PROHIBITIONS AND OTHER REQUIREMENTS FOR THE DELIVERY OF SUCH BEER AND WINE.

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

S. 525 -- Senators Gambrell, Verdin, Massey and Loftis: A BILL TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, TO DEFINE NECESSARY TERMS RELATED TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES.

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

S. 526 -- Senators Hutto and Matthews: A BILL TO AMEND ACT 174 OF 1999, RELATING TO THE ALLENDALE COUNTY BOARD OF EDUCATION, SO AS TO CHANGE THE DEADLINE FOR FILING A NOTICE OF CANDIDACY, TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS, AND TO MAKE CONFORMING CHANGES.

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

S. 527 -- Senator Alexander: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO DEFINE "LEGALLY SEPARATED" FOR PURPOSES OF THE CERTIFICATE CONTAINED IN THE APPLICATION FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY AND TO REQUIRE ANNUAL REAPPLICATION AND RECERTIFICATION TO MAINTAIN THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR CERTAIN SEPARATED SPOUSES.

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

S. 528 -- Senators Jackson and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA HOME ATTAINABILITY ACT" BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO REDUCE CERTAIN ADMINISTRATIVE AND PERMITTING COSTS AND BARRIERS TO THE CONSTRUCTION OF HOUSING WHILE MAINTAINING SAFETY, PUBLIC HEALTH, AND THE GENERAL WELFARE WITH RESPECT TO CONSTRUCTION AND OCCUPANCY; TO AMEND SECTION 5-25-120, RELATING TO THE INSPECTION OF BUILDINGS, SO AS TO ALLOW A BUILDER TO HIRE A CERTIFIED THIRD-PARTY INSPECTOR TO PERFORM THE

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DUTIES OF THE LOCAL INSPECTOR OF BUILDINGS AS THEY RELATE TO THAT BUILDER; AND TO AMEND SECTION 40-3-290, RELATING TO PERSONS AND ACTIVITIES EXEMPT FROM LICENSURE OR REGULATION BY THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO REVISE AN EXEMPTION FOR PLANS AND SPECIFICATIONS FOR CERTAIN DWELLINGS.

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

H. 3586 -- Reps. Sandifer and Hardee: A BILL TO AMEND SECTION 38-55-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE OF THE ARTICLE, SO AS TO ESTABLISH THE FRAUD DIVISION WITHIN THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-55-530, RELATING TO DEFINITIONS, SO AS TO REMOVE REFERENCES TO THE SECOND INJURY FUND AND ADD A SEPARATE DEFINITION FOR "UNDESERVED ECONOMIC BENEFIT OR ADVANTAGE"; TO AMEND SECTION 38-55-550, RELATING TO CIVIL PENALTIES PAID TO THE INSURANCE FRAUD DIVISION, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-55-560, RELATING TO THE INSURANCE FRAUD DIVISION, SO AS TO TRANSFER THE DUTIES AND OBLIGATIONS TO THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-55-570, RELATING TO NOTIFICATION OF KNOWLEDGE OR BELIEF OF FALSE STATEMENTS AND MISREPRESENTATIONS AND INFORMATION TO BE RELEASED, SO AS TO TRANSFER THE DUTIES AND OBLIGATIONS TO THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-55-590, RELATING TO THE REQUIRED ANNUAL REPORT TO THE GENERAL ASSEMBLY, SO AS TO TRANSFER THE DUTIES AND OBLIGATIONS TO THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 42-9-440, RELATING TO THE WORKERS' COMPENSATION COMMISSION'S REQUIREMENT TO REPORT SUSPECTED FRAUD, SO AS TO MAKE CONFORMING CHANGES.

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

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H. 3589 -- Reps. Allison, Lucas, M. M. Smith, Calhoon, Felder and Huggins: A BILL TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

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

H. 3825 -- Reps. Wooten, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis and Yow: A CONCURRENT RESOLUTION TO COMMEMORATE NATIONAL INVEST IN VETERANS WEEK, FROM MARCH 1 THROUGH 7, 2021, IN SUPPORT OF VETERAN-OWNED BUSINESSES.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

HOUSE CONCURRENCE

S. 522 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE THE WEEK OF MARCH 12, 2021 AS "GIRL SCOUT WEEK" IN SOUTH CAROLINA AND TO COMMEND THE GIRL SCOUT MOVEMENT, GIRL SCOUTS OF EASTERN SOUTH

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CAROLINA, AND GIRL SCOUTS OF SOUTH CAROLINA-MOUNTAINS TO MIDLANDS FOR PROVIDING GIRLS WITH A SAFE, INCLUSIVE, ALL-GIRL SPACE WHERE THEY CAN HONE THEIR SKILLS AND DEVELOP LEADERSHIP ABILITIES.

Returned with concurrence.

Received as information.

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

**THIRD READING BILL
SENT TO THE HOUSE**

S. 454 -- Senators Martin, Bennett, Massey, Jackson and Young: A BILL TO AMEND SECTION 40-33-43, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN COMMUNITY RESIDENTIAL FACILITIES, SO AS TO EXTEND THESE PROVISIONS TO CORRECTIONAL FACILITIES.

The Senate proceeded to a consideration of the Bill.

The question being the third reading of the Bill.

The Bill was read the third time, passed and ordered sent to the House.

READ THE SECOND TIME

S. 107 -- Senators Campsen and Climer: 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 a consideration of the Bill.

Senator CAMPSEN explained the Bill.

The question being the second reading of the Bill.

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

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Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 158 -- Senator Scott: A BILL TO AMEND SECTION 40-57-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS, SO AS TO PROVIDE AN EXEMPTION TO THE BIENNIAL CONTINUING EDUCATION REQUIREMENT FOR BROKERS AND SALESPERSONS WHO HAVE TWENTY-FIVE YEARS OF LICENSURE AND ARE SIXTY-FIVE YEARS OF AGE OR OLDER.

The Senate proceeded to a consideration of the Bill.

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The Committee on Labor, Commerce and Industry proposed the following amendment (WAB\158C001.RT.WAB21), which was adopted:

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

/ SECTION 1. Section 40-57-340(B) of the 1976 Code is amended to read:

“(B)(1) Exempt from the biennial continuing education required by subsection (A) are a:

(1)(a) salesperson who successfully completes a post-licensing course or takes a broker course is exempt for the renewal period during which the course was taken;

(2)(b) licensee while on inactive status;

(3)(c) nonresident broker or salesperson who has successfully satisfied the continuing education requirements in their jurisdiction of residence may be exempt with approval of the commission;

(4)(d) broker or salesperson with twenty-five years or more of experience in South Carolina who is sixty-five years of age or more is exempt from the continuing education requirements of this chapter; or

(e) broker or salesperson with a minimum of twenty-five years of licensure in South Carolina may apply to be granted an experience-based partial continuing education waiver, and upon granting of the waiver, is required to complete only the mandatory four hour core course biennially to maintain active licensure.

(2) A broker-in-charge who has been granted a partial continuing education waiver is required to take the four hour core course and the mandated four hour broker-in-charge course biennially. A licensee who previously has been granted a full continuing education waiver by the commission is exempt from the continuing education requirements of this chapter.”

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

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	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.

OBJECTION

S. 200 -- Senators Hembree, Martin, Kimbrell and Shealy: A BILL TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON SENTENCED TO DEATH MAY ELECT FOR ELECTROCUTION OR LETHAL INJECTION IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE

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DEPARTMENT OF CORRECTIONS DIRECTOR SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

Senator MATTHEWS objected to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 287 -- Senator Gambrell: A BILL TO AMEND SECTION 40-45-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, AND SECTION 40-45-240, RELATING TO APPLICANTS FOR LICENSURE BY ENDORSEMENT FOR LICENSEES FROM OTHER JURISDICTIONS, BOTH SO AS TO REQUIRE CERTAIN FINGERPRINT-SUPPORTED STATE AND NATIONAL CRIMINAL RECORDS CHECKS FOR INITIAL LICENSURE APPLICANTS, TO PROVIDE THE RESULTS OF THESE RECORDS CHECKS MUST BE PROVIDED TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO AUTHORIZE THE STATE LAW ENFORCEMENT DIVISION TO RETAIN FINGERPRINTS FOR CERTAIN PURPOSES, TO PROVIDE APPLICANTS MUST BARE RELATED COSTS, AND TO PROVIDE THE DEPARTMENT SHALL KEEP INFORMATION RECEIVED PURSUANT TO THIS ACT CONFIDENTIAL, SUBJECT TO AN EXCEPTION.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (287R001.KMM.TCA), which was adopted:

Amend the bill, as and if amended, on page 2, by striking line 34 and inserting:

/as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department. /

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Amend the bill further, as and if amended, on page 3, by striking line 15 and inserting:

/disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department. /

Amend the bill further, as and if amended, on page 3, by striking line 35 and inserting:

/support the administrative action. The results of these criminal records checks must not be shared outside the department.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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

CARRIED OVER

S. 378 -- Senator Cash: A BILL TO AMEND SECTION 47-3-630 OF THE 1976 CODE, RELATING TO PENALTIES FOR TEASING, MALTREATING, AND INJURING POLICE DOGS AND HORSES, TO PROVIDE FOR PENALTIES, RESTITUTION, AND COMMUNITY SERVICE.

The Senate proceeded to a consideration of the Bill.

Senator McELVEEN explained the committee amendment.

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

POINT OF ORDER

S. 131 -- Senator Massey: A BILL TO AMEND SECTION 10-11-310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF "CAPITOL GROUNDS", TO DEFINE "CAPITOL GROUNDS" AS THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA; TO AMEND SECTION 10-11-330 OF THE 1976 CODE, RELATING TO UNAUTHORIZED ENTRY INTO A CAPITOL BUILDING AND RELATED PROVISIONS, TO PROVIDE THAT CERTAIN ACTS ARE UNLAWFUL IN ANY BUILDING ON THE CAPITOL GROUNDS; TO AMEND SECTION 10-1-30 OF THE 1976 CODE, RELATING TO THE USE OF AREAS OF THE STATE HOUSE, TO PROVIDE THAT ACCESS TO THE STATE HOUSE MAY NOT BE RESTRICTED OR PROHIBITED, AND TO PROVIDE EXCEPTIONS; AND TO AMEND SECTION 2-3-100 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE SERGEANTS AT ARMS, TO PROVIDE FOR THE POWERS OF THE SERGEANT AT ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE FOR THE EMPLOYMENT OF THEIR DEPUTIES.

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.

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The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 242 -- 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.

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. 271 -- Senators Talley, Turner, Rice, Adams, Verdin, Setzler, M. Johnson, Kimbrell and McElveen: 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, 2025.

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.

OBJECTION

S. 510 -- Senators Grooms, Verdin, Davis, Adams, Bennett, Campsen, Climer, Corbin, Cromer, Gambrell, Hembree, Hutto, K. Johnson, Kimbrell, Loftis, Massey, McElveen, Peeler, Senn, Shealy, Talley, Turner, Williams, Young, Alexander, Goldfinch, Harpootlian, Jackson, M. Johnson, Kimpson, Matthews, Rice, Sabb, Setzler, Stephens and Rankin: A BILL TO AMEND SECTION 56-15-10 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO AMEND AND ADD DEFINITIONS, TO AMEND ARTICLE 1, CHAPTER 15, TITLE 56 OF THE 1976 CODE BY

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ADDING SECTION 56-15-35, TO PROVIDE FOR HOW A FRANCHISOR, MANUFACTURER, DISTRIBUTOR, OR A THIRD PARTY AFFILIATE MUST HANDLE CONSUMER DATA; TO AMEND SECTION 56-15-40 OF THE 1976 CODE, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, TO AMEND A VIOLATION FOR TAKING ANY ADVERSE ACTION AGAINST A DEALER FOR OFFERING OR DECLINING TO OFFER PROMOTIONS, SERVICE CONTRACTS, DEBT CANCELLATION AGREEMENTS, MAINTENANCE AGREEMENTS, OR OTHER SIMILAR PRODUCTS; AND TO ADD AND PROVIDE FOR ADDITIONAL VIOLATIONS; TO AMEND SECTION 56-15-45(A)(3) AND (D) OF THE 1976 CODE, RELATING TO OWNERSHIP, OPERATION OR CONTROL OF COMPETING DEALERSHIPS BY MANUFACTURER OR FRANCHISOR, TO PROVIDE FOR A DATE CHANGE, TO DELETE QUALIFICATIONS FOR AN EXEMPTION, AND TO ADD THAT A MANUFACTURER MAY NOT LEASE OF ENTER INTO A SUBSCRIPTION AGREEMENT EXCEPT TO A NEW DEALER HOLDING A FRANCHISE IN THE LINE MAKE THAT INCLUDES THE VEHICLE; TO AMEND SECTION 56-15-46 OF THE 1976 CODE, RELATING TO THE NOTICE OF INTENT TO ESTABLISH OR RELOCATE COMPETING DEALERSHIP, TO AMEND THE RADIUS AND ADD A TIME REQUIREMENT FOR NOTICE; TO AMEND SECTION 56-15-50 OF THE 1976 CODE, RELATING TO THE REQUIREMENT THAT MANUFACTURERS MUST SPECIFY DELIVERY AND PREPARATION OBLIGATIONS OF DEALERS, FILING OF COPY OF OBLIGATIONS, AND SCHEDULE OF COMPENSATION, TO ADD A PROVISION FOR INDEMNIFICATION; TO AMEND SECTION 56-15-60 OF THE 1976 CODE, RELATING TO THE FULFILLMENT OF WARRANTY AGREEMENTS AND A DEALERS' CLAIMS FOR COMPENSATION, TO PROVIDE THAT IT IS UNLAWFUL FOR A NEW MOTOR VEHICLE MANUFACTURER TO RECOVER ANY PORTION OF ITS COSTS FOR COMPENSATING DEALERS FOR RECALLS OR WARRANTY PARTS AND SERVICE, EITHER BY REDUCTION IN THE AMOUNT DUE TO THE DEALER, OR BY SEPARATE CHARGE, SURCHARGE, OR OTHER IMPOSITION, TO PROVIDE FOR COMPENSATION AND A COMPENSATION SCHEDULE, TO PROVIDE EXCLUSIONS, TO PROHIBIT A MANUFACTURER FROM TAKING CERTAIN ADVERSE ACTION

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AGAINST A DEALER TO SEEKING TO OBTAIN COMPENSATION, TO PROVIDE FOR A PROTEST PROCEDURE, TO PROVIDE FOR CLAIMS AND VIOLATIONS, TO PROVIDE FOR AUDITS, AND TO PROVIDE FOR USED MOTOR VEHICLES; TO AMEND SECTION 56-15-65 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR A CHANGE OF LOCATION OR ALTERATION OF A DEALERSHIP, TO PROVIDE ADDITIONAL VIOLATIONS; TO AMEND SECTION 56-15-70 OF THE 1976 CODE, RELATING TO CERTAIN UNREASONABLE RESTRICTIONS ON DEALERS OR FRANCHISEES THAT ARE UNLAWFUL, TO ADD RELOCATION; TO AMEND SECTION 56-15-75 OF THE 1976 CODE, RELATING TO REQUIREMENTS THAT THE DEALER REFRAIN FROM ACQUIRING ANOTHER LINE OF NEW MOTOR VEHICLES, TO DELETE THE EVIDENTIARY STANDARD; TO AMEND SECTION 56-15-90 OF THE 1976 CODE, RELATING TO THE FAILURE TO RENEW, TERMINATION OR RESTRICTION OF TRANSFER OF FRANCHISE AND DETERMINING REASONABLE COMPENSATION FOR THE VALUE OF A DEALERSHIP FRANCHISE, TO EXPAND FAIR MARKET VALUE CONSIDERATIONS; TO AMEND SECTION 56-15-140 OF THE 1976 CODE, RELATING TO VENUE, AND TO DECLARE THAT VENUE IS IN STATE COURTS IN SOUTH CAROLINA RATHER THAN THE STATE OF SOUTH CAROLINA.

Senator BENNETT objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 516 -- Senators Massey, Malloy, Cromer, Climer, M. Johnson, K. Johnson, Williams, Rice, Jackson, Gustafson, Adams, Goldfinch, Kimbrell, Garrett, Talley, Bennett, Hembree, Loftis, Campsen, Scott, Turner, McLeod and Matthews: A JOINT RESOLUTION TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IDENTIFY CERTIFIED TEACHERS AND SCHOOL SUPPORT STAFF AS MISSION-CRITICAL WORKERS AND INDIVIDUALS WHO ARE ELIGIBLE FOR VACCINATION UNDER PHASE 1a OF THE SOUTH CAROLINA COVID-19 VACCINATION PLAN, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COORDINATE WITH THE DEPARTMENT OF EDUCATION TO IMPLEMENT A PLAN THAT WILL OFFER THE OPPORTUNITY TO CERTIFIED TEACHERS AND SCHOOL

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SUPPORT STAFF TO BE FULLY VACCINATED WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS JOINT RESOLUTION, TO PROVIDE THAT EVERY SCHOOL DISTRICT MUST OFFER FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION TO STUDENTS NO LATER THAN TWO WEEKS AFTER CERTIFIED TEACHERS AND SUPPORT STAFF HAVE BEEN OFFERED THE OPPORTUNITY TO BE FULLY VACCINATED, AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST ENSURE THAT ALL SOUTH CAROLINA RESIDENTS WHO ARE ELIGIBLE UNDER PHASE 1a OF THE SOUTH CAROLINA COVID-19 VACCINATION PLAN WHO HAVE RECEIVED A FIRST VACCINE DOSE AS OF THE EFFECTIVE DATE OF THIS JOINT RESOLUTION ARE OFFERED THE OPPORTUNITY FOR FULL VACCINATION WITHIN THE APPROPRIATE RECOMMENDED TIME PERIOD.

The Senate proceeded to a consideration of the Resolution.

Senator MARTIN explained the Resolution.

Senator MASSEY explained the amendment.

Senators MASSEY and MALLOY proposed the following amendment (516R002.SP.ASM), which was adopted:

Amend the joint resolution, as and if amended, on page 2, by striking lines 29 through 37 and inserting:

/ (B) The Department of Health and Environmental Control, in coordination with the Department of Education and local school districts, shall implement a plan that will offer the opportunity to certified teachers and school support staff to be fully vaccinated within thirty days of the effective date of this joint resolution.

(C) After certified teachers and support staff have been offered the opportunity to be fully vaccinated, every school district must offer five-day, in-person classroom instruction to students no later than March 22, 2021. /

Amend the joint resolution further, as and if amended, on page 3, line 3, by adding an appropriately lettered new subsection to read:

/ () The thirty-seven thousand five hundred doses originally allocated for the long-term care facilities shall be set aside as a portion of the allocation for teacher vaccinations.” /

Re-number sections to conform.

Amend title to conform.

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The amendment was adopted.

The question being the second reading of the Resolution.

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

Motion Under Rule 26B Waived

Senator MASSEY asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

READ THE SECOND TIME

H. 3707 -- Ways and Means Committee: A JOINT RESOLUTION TO MAKE APPROPRIATIONS FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING VACCINATIONS.

The Senate proceeded to a consideration of the Resolution.

Senator ALEXANDER explained the Resolution.

The question being the second reading of the Resolution.

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

Motion Under Rule 26B Waived

Senator GROOMS asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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

MOTION ADOPTED

At 11:55 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

INTERRUPTED DEBATE

S. 201 -- Senator Hembree: A BILL TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, BY ADDING ARTICLE 16, TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; AND TO REPEAL ARTICLE 15, CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT.

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

Senator HEMBREE spoke on the Bill.

Point of Quorum

At 1:38 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 MARTIN moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Leatherman
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

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Senator HEMBREE resumed speaking on the Bill.

STATEWIDE APPOINTMENTS

Confirmations

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

Initial Appointment, Director of Department of Health and Environmental Control, with the term to commence January 20, 2021, and to expire January 20, 2025

Director:

Edward D. Simmer, 501 Charles Street #1257, Beaufort, SC 29902

On motion of Senator VERDIN, the question was confirmation of Edward D. Simmer.

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

Ayes 40; Nays 1; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Leatherman
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Grooms

Total--1

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ABSTAIN

Harpootlian

Total--1

The appointment of Edward D. Simmer was confirmed.

Having received a favorable report from the Family and Veterans' Services Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina 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

On motion of Senator SHEALY, the question was confirmation of Catherine C. Olker.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

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Total--0

The appointment of Catherine C. Olker was confirmed.

Initial Appointment, South Carolina 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

On motion of Senator SHEALY, the question was confirmation of Susan L. John.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Susan L. John was confirmed.

Reappointment, Adjutant General, with the term to commence January 13, 2021, and to expire January 13, 2025

Roy Van McCarty, 200 Lakewood Dr., Prosperity, SC 29127-9222

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On motion of Senator SHEALY, the question was confirmation of Roy Van McCarty.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The appointment of Roy Van McCarty was confirmed.

Motion Adopted

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

ADJOURNMENT

At 2:45 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.

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