

NO. 19

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, FEBRUARY 10, 2021

**Wednesday, February 10, 2021
(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:

Zechariah 8:16

The prophet Zechariah wrote:

“These are the things you are to do: Speak the truth to each other, and render true and sound judgment in your courts.”

Join me as we bow, please: O Glorious God, here in today’s world--our fast-paced, hurry up, let’s get this done as quickly as we can world--something seems to have happened to “truth.” Perhaps it is the desire of some to get things done speedily, or to get things over with and “out of the limelight.” But the fact is, our now and then efforts to evade what is true or even to make “truth” what we want it to be should be never the course to follow. What is true is simply “true,” and it always needs to be honored, if not cherished. Here in the Senate of South Carolina, dear Lord, may truth always be at the core of any and all debate, and may it be shared boldly. In Your loving name we pray this, O Lord. Amen.

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

Point of Quorum

At 1:04 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:

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Rice	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

Doctor of the Day

Senator K. JOHNSON introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

Leave of Absence

At 1:24 P.M., Senator MATTHEWS requested a leave of absence for Senators KIMPSON and McELVEEN until 1:45 P.M.

Leave of Absence

At 1:24 P.M., Senator TURNER requested a leave of absence for Senator SENN until 1:30 P.M.

CO-SPONSORS ADDED

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

S. 16 Sens. Grooms and Young
S. 131 Sen. Malloy
S. 221 Sen. Gustafson
S. 222 Sen. Gustafson
S. 402 Sen. Garrett
S. 457 Sen. Garrett
S. 505 Sens. Alexander and Gambrell
S. 510 Sen. Garrett
S. 528 Sens. Climer, Stephens, Matthews, McLeod
S. 539 Sen. Matthews

CO-SPONSOR REMOVED

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

S. 498 Sen. Gambrell

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 541 -- Senator Campsen: A BILL TO AMEND SECTION 50-21-30 OF THE 1976 CODE, RELATING TO WATERCRAFT LAWS, TO AUTHORIZE A UNIT OF LOCAL GOVERNMENT TO ADOPT AN ORDINANCE REQUIRING A PERMIT FOR WATERCRAFT TO REMAIN ON THE LOCAL GOVERNMENT'S TERRITORIAL WATERS FOR MORE THAN FOURTEEN CONSECUTIVE DAYS.

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

S. 542 -- Senator Hembree: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COACH JOE QUIGLEY OF NORTH MYRTLE BEACH HIGH SCHOOL FOR HIS OUTSTANDING CAREER AS COACH, EDUCATOR, AND ADMINISTRATOR, TO CONGRATULATE HIM ON THE OCCASION OF HIS RETIREMENT AS ATHLETIC DIRECTOR, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 543 -- Senator McLeod: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CORETTA KEA, SCHOOL SOCIAL WORKER AT BOOKMAN ROAD ELEMENTARY SCHOOL, AND TO COMMEND HER HEROIC ACTIONS WHICH SAVED THE LIFE OF A STUDENT'S GRANDMOTHER.

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The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEE

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

S. 221 -- Senators Shealy, Alexander, Hutto and Jackson: A BILL TO AMEND CHAPTER 7, TITLE 63 OF THE 1976 CODE, RELATING TO CHILD PROTECTION AND PERMANENCY, BY ADDING ARTICLE 8, TO PROVIDE FOR EXTENDED FOSTER CARE FOR PERSONS EIGHTEEN TO TWENTY-ONE YEARS OLD, TO CREATE THE EXTENDED FOSTER CARE PROGRAM, TO PROVIDE FOR VOLUNTARY PLACEMENT, TO PROVIDE FOR

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THE REVIEW OF VOLUNTARY PLACEMENT AFTER AGE EIGHTEEN, TO PROVIDE FOR COURT-ORDERED FOSTER CARE PLACEMENT AFTER AGE EIGHTEEN, TO PROVIDE FOR ADMINISTRATIVE CASE REVIEW, TO PROVIDE FOR PERMANENCY PLANNING FOR PERSONS EIGHTEEN TO TWENTY-ONE YEARS OLD, TO PROVIDE FOR JUDICIAL REVIEW, TO PROVIDE FOR ADMINISTRATIVE APPEALS; TO AMEND SECTION 63-7-1700(H) OF THE 1976 CODE, RELATING TO PERMANENCY PLANNING, TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

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

S. 222 -- Senators Shealy, McLeod, Hutto, Jackson and Matthews: A BILL TO AMEND SECTION 63-7-2320 OF THE 1976 CODE, RELATING TO THE KINSHIP FOSTER CARE PROGRAM, TO PROVIDE THAT FICTIVE KIN ARE ELIGIBLE TO BE FOSTER PARENTS UNDER THE KINSHIP FOSTER CARE PROGRAM, TO PROVIDE THAT RELATIVES AND FICTIVE KIN MAY FOSTER A CHILD BEFORE BEING LICENSED AS A KINSHIP FOSTER CARE PROVIDER UNDER CERTAIN CIRCUMSTANCES, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

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

S. 441 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND 63-7-1210(A) OF THE 1976 CODE, RELATING TO DEPARTMENT OF SOCIAL SERVICES INVESTIGATIONS OF INSTITUTIONAL ABUSE, TO PROVIDE FOR INVESTIGATIONS OF ABUSE IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; TO AMEND SECTION 63-7-2350(A) OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO PROVIDE CIRCUMSTANCES UNDER WHICH A CHILD MAY NOT BE PLACED IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM; TO AMEND SUBARTICLE 11, ARTICLE 3, CHAPTER 7, TITLE 63 OF THE 1976 CODE, RELATING TO JUDICIAL PROCEEDINGS, BY ADDING SECTION 63-7-1730 AND SECTION 63-7-1740, TO PROVIDE ASSESSMENT, CASE PLANNING, AND DOCUMENTATION REQUIREMENTS

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FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, AND TO PROVIDE JUDICIAL REVIEW REQUIREMENTS FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; TO AMEND SECTION 63-7-1700(B) OF THE 1976 CODE, RELATING TO THE CONTENTS OF A SUPPLEMENTAL REPORT FOR PERMANENCY PLANNING, TO INCLUDE JUDICIAL REVIEW REQUIREMENTS IN THE REPORT; AND TO AMEND SECTION 63-7-1700 OF THE 1976 CODE, RELATING TO PERMANENCY PLANNING, TO PROVIDE FOR JUDICIAL REVIEW OF THE PLACEMENT OF A CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

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

S. 521 -- Senators Shealy and Cromer: A CONCURRENT RESOLUTION TO COMMEMORATE THE NATIONAL INVEST IN VETERANS WEEK ON MARCH 1-7 IN SUPPORT OF VETERAN-OWNED BUSINESSES.

Ordered for consideration tomorrow.

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

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,

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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.

Ordered for consideration tomorrow.

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

SECOND READING BILL

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.

On motion of Senator HUTTO.

HOUSE BILL RETURNED

The following Resolution was read the third time and ordered returned to the House with amendments:

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 MALLOY spoke on the Resolution.

The question being third reading of the Resolution.

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

Ayes 40; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson

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Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Rankin	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--40

NAYS

Rice

Total--1

The Resolution as amended, was read the third time, passed and ordered returned to the House with amendments.

**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. 131 -- Senator Massey and Malloy: 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

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ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE FOR THE EMPLOYMENT OF THEIR DEPUTIES.

S. 242 -- Senators Young and Campsen: 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.

S. 271 -- Senators Talley, Turner, Rice, Adams, Verdin, Setzler, M. Johnson, Kimbrell, McElveen, Climer, Garrett and Campsen: 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.

READ THE SECOND TIME

S. 378 -- Senators Cash and Senn: 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.

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

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

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Matthews	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

The Bill 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 1:31 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

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.

Amendment No. 1

Senators FANNING and McLEOD proposed the following amendment (WAB\201C021.RT.WAB21), which was ruled out of order:

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

/ SECTION __. (A) The Code Commissioner is directed to change or correct all references to the “Education Oversight Committee” in the 1976 Code to “State Board of Education” to reflect the transfer of certain functions of the Education Oversight Committee to the State Board of Education. References to the Education Oversight Committee in the 1976 Code or other provisions of law are considered to be, and must be, construed to mean appropriate reference to the State Board of Education.

(B) The Code Commissioner is directed to change or correct all references to the Accountability Division of the Education Oversight Committee in the 1976 Code to reflect the transfer of the division to the State Department of Education. References to the Accountability Division of the Education Oversight Committee in the 1976 Code or other provisions of law are considered to be, and must be, construed to mean appropriate reference to the Accountability Division of the State Department of Education. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained 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 FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Motion Adopted

On motion of Senator FANNING, with unanimous consent, Amendment Nos. 2 - 7 were carried over.

Amendment No. 8

Senator MARTIN proposed the following amendment (201R001.SP.SRM), which was carried over and subsequently not adopted:

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Amend the bill, as and if amended, beginning on page 5 at line 40, by striking Section 59-18-1640(E), (F), and (G) and inserting:

/ (E)(1) The State Superintendent of Education shall assume the authority and responsibilities of the district superintendent and local district board of trustees until district management is transitioned back to the jurisdiction of the local district board of trustees pursuant to this section.

(2) 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.

(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 local district board of trustees, shall develop a transition plan, timeline for returning management of the district back to the local district board of trustees, and deadline for the expiration of the state-of-education emergency declaration.

(2) Upon a declaration of the expiration of the state-of-education emergency, the powers and duties of the district superintendent and local district school board of trustees are restored. /

Re-number sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

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

Amendment No. 9

Senators CROMER, HUTTO, SABB, SETZLER, MATTHEWS and SENN proposed the following amendment (201R002.SP.RWC), which was carried over:

Amend the bill, as and if amended, on page 7, line 15, by inserting an appropriately numbered new SECTION to read:

/SECTION __. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59-19-43. Notwithstanding the provisions of Section 7-11-70 or any provision of law to the contrary, a candidate for a school board of trustees may not be nominated by petition.” /

Re-number sections to conform.

Amend title to conform.

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Senator CROMER explained the amendment.

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

Amendment No. 10

Senators FANNING and HEMBREE proposed the following amendment (201R003.SP.MWF), which was adopted:

Amend the bill, as and if amended, on page 5, by striking lines 20 through 25 and inserting:

/ (B) If the State Superintendent of Education determines that a district state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration and cite the circumstances justifying that the district has failed to satisfactorily address circumstances. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration. /

Amend the bill further, as and if amended, on page 5, by striking lines 28 through 30 and inserting:

/ (1) notify the Governor and the appropriate district superintendent, local school board, and local legislative delegation; and/ Renummer sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 11

Senators FANNING and HEMBREE proposed the following amendment (201R004.SP.MWF), which was adopted:

Amend the bill, as and if amended, on page 5, line 7, by adding an appropriately lettered new subsection to read:

/ () After a school has been in a state-of-education emergency for three consecutive years, the State Superintendent of Education may extend the state-of-education emergency for an additional three-year period only upon the approval of the State Board of Education. The State Superintendent of Education may make requests every three years, which must be approved or disapproved by the board. If the State Superintendent of Education does not request additional time, or if the State Board of Education disapproves a request, then the school shall revert back to the control of the local school board. /

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Renumber sections to conform.
Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 12

Senators FANNING and HEMBREE proposed the following amendment (201R005.SP.MWF), which was adopted:

Amend the bill, as and if amended, on page 5, by striking lines 40 through 43, and on page 6, by striking lines 1 through 3 and inserting:

/ (E)(1) The local district board of trustees shall be dissolved upon the State Board of Education's approval of the state-of-education emergency declaration and upon the expiration of the ten business day appeal window as provided in subsection (D). /

Renumber sections to conform.
Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 13

Senator FANNING proposed the following amendment (CZ\201C001.BH.CZ21), which was ruled out of order:

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

/ SECTION __. (A) The Code Commissioner is directed to change or correct all references to the "Education Oversight Committee" in Chapter 18, Title 59 of the 1976 Code to "State Board of Education" to reflect the transfer of certain functions of the Education Oversight Committee to the State Board of Education. References to the Education Oversight Committee in the 1976 Code or other provisions of law are considered to be, and must be, construed to mean appropriate reference to the State Board of Education.

(B) The Code Commissioner is directed to change or correct all references to the Accountability Division of the Education Oversight Committee in Chapter 18, Title 59 of the 1976 Code to reflect the transfer of the division to the State Department of Education. References to the Accountability Division of the Education Oversight Committee in the

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1976 Code or other provisions of law are considered to be, and must be, construed to mean appropriate reference to the Accountability Division of the State Department of Education. /

Re-number sections to conform.
Amend title to conform.

Senator FANNING explained 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 FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 14

Senators HEMBREE and STEPHENS proposed the following amendment (201R007.SP.GH), which was adopted:

Amend the bill, as and if amended, on page 6, by striking line 21 and inserting:

/appointing authority shall consider knowledge and experience in the field of education and shall further take into account race, gender, and other /

Re-number sections to conform.
Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 15

Senator FANNING proposed the following amendment (WAB\201C016.RT.WAB21):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-18-1640(G).

Re-number sections to conform.
Amend title to conform.

Senator FANNING explained the amendment.

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On motion of Senator MARTIN, with unanimous consent and Senator FANNING retaining the floor, asked to proceed to Amendment No. 8 and Amendment No. 26.

Amendment No. 8

Senator MARTIN proposed the following amendment (201R001.SP.SRM), which was not adopted:

Amend the bill, as and if amended, beginning on page 5 at line 40, by striking Section 59-18-1640(E), (F), and (G) and inserting:

/ (E)(1) The State Superintendent of Education shall assume the authority and responsibilities of the district superintendent and local district board of trustees until district management is transitioned back to the jurisdiction of the local district board of trustees pursuant to this section.

(2) 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.

(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 local district board of trustees, shall develop a transition plan, timeline for returning management of the district back to the local district board of trustees, and deadline for the expiration of the state-of-education emergency declaration.

(2) Upon a declaration of the expiration of the state-of-education emergency, the powers and duties of the district superintendent and local district school board of trustees are restored. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 3; Nays 38

AYES

Jackson

Malloy

Martin

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Total--3

NAYS

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

Total--38

The amendment failed.

Amendment No. 26

Senator MARTIN proposed the following amendment (201R008.SP.SRM), which was adopted:

Amend the bill, as and if amended, on page 6, by striking lines 13 through 17 and inserting:

- / (i) one member appointed by the Governor;
(ii) three members appointed by the local legislative delegation; and
(iii) one member appointed by the State Superintendent of Education in consultation with the local legislative delegation. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

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Amendment No. 15

Senator FANNING proposed the following amendment (WAB\201C016.RT.WAB21):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-18-1640(G).

Re-number sections to conform.

Amend title to conform.

Senator FANNING resumed speaking on the amendment.

RECESS

At 4:28 P.M., on motion of Senator MASSEY, the Senate recessed from business until 4:35 P.M.

At 4:45 P.M., the Senate resumed.

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	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	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

A quorum being present, the Senate resumed.

MOTION ADOPTED

Senator MASSEY asked unanimous consent to make a motion that the Senate proceed to a roll call vote on second reading of S. 201. Further, the primary sponsor of amendments currently on the desk may offer up

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to three amendments for consideration on third reading; that proponents and opponents be allowed up to five minutes debate on each amendment; and, that upon consideration of all amendments that proponents and opponents be allowed up to 15 minutes debate on the Bill.

The question then was second reading of the Bill.

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

Ayes 42; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
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	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

Total--42

NAYS

Fanning

Total--1

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 to stand adjourned.

WEDNESDAY, FEBRUARY 10, 2021

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend Donald E. Alexander of Spartanburg, S.C. Reverend Alexander was a friend of our beloved Senator MARTIN at Bogansville United Methodist Church. He pastored many Upstate churches over the years and was highly regarded by his community and congregations. He was a former Boy Scout leader and a life member of S.C. Jayce Senate and Palmetto Corp. Reverend Alexander was a loving husband, devoted father and doting grandfather 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 Mr. Edward Eatmon of Kingstree, S.C. Mr. Eatmon was the father of our beloved Alicia Eatmon, the Bill Clerk for the Senate. He earned his BA degree from the University of South Carolina and his masters from The Citadel. Edward was a teacher, coach and assistant principal at Olanta High School in Kingstree. After his career in education, Edward became an Environmental Quality Manager with the Department of Environmental Control until he retired in 1995. Edward was a member of First Baptist Church of Kingstree. He served on the South Carolina Sporting Dogs and Field Trial Commission, was active in the Carolina Boykin Spaniel Retriever Club, served on the Board of Directors of the Boykin Spaniel Society and was a founding member of the Black River Chapter of the National Wild Turkey Federation. He was an avid hunter and enjoyed spending time with family and friends. Edward was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 4:52 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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WEDNESDAY, FEBRUARY 10, 2021

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