

NO. 22

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, FEBRUARY 16, 2021

Tuesday, February 16, 2021
(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 25:4-5

The Psalmist tells us:

“Show me your ways, O Lord, teach me your paths; guide me in your truth and teach me for you are God my Savior, and my hope is in you all day long.”

Join me as we bow in prayer: Yesterday, dear God, was Presidents’ Day, when we of course honor Washington and Lincoln as well as all of our other Presidents who guided us with nobleness and distinction. From them we are reminded of the importance of the Psalmist’s plea: to follow the ways of the Lord and to find hope in him. May it be so. May the clear evidence of caring and thoughtful, brave and bold, and wise and fair leadership ever be on display here in this Senate. May these Senators and their staff members always put forth their very best, summoning thoughtful and fair actions which result in great good for all who reside in this State we love. In Your holy name we pray, dear Lord. Amen.

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

Leave of Absence

At 12:20 P.M., Senator MATTHEWS requested a leave of absence for Senator McLEOD until 1:30 P.M.

Leave of Absence

At 4:48 P.M., Senator CORBIN requested a leave of absence for Senator LOFTIS for the balance of the day.

CO-SPONSORS ADDED

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

S. 174 Sen. Rankin
S. 187 Sen. Rankin
S. 200 Sen. Gustafson

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S. 203 Sen. Gustafson
S. 214 Sen. Rankin
S. 245 Sen. Rankin
S. 441 Sen. Gustafson
S. 506 Sen. Fanning
S. 508 Sen. Hutto
S. 510 Sen. Fanning
S. 551 Sen. M. Johnson

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 548 -- Senators Massey, Climer and Turner: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 8 OF THE 1976 CODE, RELATING TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, BY ADDING SECTION 8-13-160, TO PROVIDE THAT THE CHAPTER APPLIES TO ALL PERSONS ELECTED OR APPOINTED TO A SPECIAL PURPOSE DISTRICT THAT CHARGES A FEE OR RATE TO A CONSUMER TO PROVIDE A SERVICE; TO AMEND SECTION 8-13-1110 OF THE 1976 CODE, RELATING TO PERSONS REQUIRED TO FILE A STATEMENT OF ECONOMIC INTERESTS, TO INCLUDE A PERSON ELECTED OR APPOINTED TO A SPECIAL PURPOSE DISTRICT THAT CHARGES A FEE OR RATE TO A CONSUMER TO PROVIDE A SERVICE; AND TO AMEND SECTION 8-13-320(10)(I) OF THE 1976 CODE, RELATING TO INVESTIGATIONS CONDUCTED BY THE STATE ETHICS COMMISSION, TO PROVIDE THAT WRITTEN DECISIONS MUST BE POSTED TO THE STATE ETHICS COMMISSION'S WEBSITE.

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

S. 549 -- 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 PROVIDE THAT THE TAX CREDIT FOR THE PURCHASE AND INSTALLATION OF SUCH ITEMS IS A REFUNDABLE CREDIT.

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

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S. 550 -- Senator Rice: A BILL TO AMEND ARTICLE 3, CHAPTER 5, TITLE 7 OF THE 1976 CODE, RELATING TO THE REQUIREMENT OF AND QUALIFICATIONS FOR VOTER REGISTRATION, BY ADDING SECTION 7-5-115, TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT POLITICAL PARTY; TO AMEND SECTION 7-5-110 OF THE 1976 CODE, RELATING TO THE REQUIREMENT OF REGISTRATION IN ORDER TO VOTE, TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS A MEMBER OF THAT POLITICAL PARTY; TO AMEND SECTION 7-5-170 OF THE 1976 CODE, RELATING TO THE REQUIREMENTS FOR VOTER REGISTRATION, TO REQUIRE A STATEMENT OF POLITICAL PARTY AFFILIATION, IF ANY, ON THE FORM AND INCLUSION IN THE OATH, AND TO REQUIRE THE STATE ELECTION COMMISSION TO ASSIST IN CAPTURING THIS DATA; AND TO AMEND SECTION 7-9-20 OF THE 1976 CODE, RELATING TO THE QUALIFICATIONS FOR VOTING IN A PRIMARY ELECTION, TO REQUIRE REGISTRATION AS A MEMBER OF THE POLITICAL PARTY, AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

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

S. 551 -- Senators Kimbrell, Martin, Corbin, Loftis, Massey, Senn, Rice, Garrett, Cromer, Grooms, Cash, Talley, Adams and M. Johnson: A BILL TO AMEND ARTICLE 1, CHAPTER 5, TITLE 39 OF THE 1976 CODE, RELATING TO UNFAIR TRADE PRACTICES, BY ADDING SECTION 39-5-30, TO PROVIDE THAT THE OWNER OR OPERATOR OF A SOCIAL MEDIA WEBSITE MUST MAKE AVAILABLE THE CRITERIA USED TO DETERMINE WHETHER TO DISABLE OR SUSPEND A USER'S ACCOUNT, TO PROVIDE THAT THE OWNER OR OPERATOR OF A SOCIAL MEDIA WEBSITE MUST PROVIDE NOTICE TO A USER WHEN THE USER'S ACCOUNT IS SUSPENDED OR DISABLED, TO PROVIDE THAT THE NOTICE MUST EXPLAIN WHY THE USER'S ACCOUNT WAS SUSPENDED OR DISABLED, TO PROVIDE FOR

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PENALTIES AND DAMAGES, AND TO DEFINE NECESSARY TERMS.

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Senator KIMBRELL spoke on the Bill.

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

S. 552 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE ANDREW SHEALY UPON THE OCCASION OF HIS RETIREMENT FROM THE NEWBERRY HOUSING AUTHORITY BOARD OF DIRECTORS, TO COMMEND HIM FOR HIS FOURTEEN YEARS OF DISTINGUISHED PUBLIC SERVICE ON THE BOARD, 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. 553 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE JAN PIERSOL UPON THE OCCASION OF HER RETIREMENT AS EXECUTIVE DIRECTOR OF THE NEWBERRY HOUSING AUTHORITY, TO COMMEND HER FOR HER THIRTY-EIGHT YEARS OF DISTINGUISHED PUBLIC SERVICE, 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.

REPORTS OF STANDING COMMITTEE

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 421 -- Senator Alexander: A BILL TO AMEND SECTION 41-35-320(2) OF THE 1976 CODE, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT SECURITY BENEFITS WHEN FEDERALLY FUNDED, TO REDUCE THE LOOKBACK PERIOD FROM THREE YEARS TO TWO YEARS FOR DETERMINING WHETHER THERE IS AN 'ON' INDICATOR FOR THIS STATE.

Ordered for consideration tomorrow.

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Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 468 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT, IN A DETERMINATION OF WHETHER THE STATE IS IN AN EXTENDED BENEFIT PERIOD BEGINNING ON NOVEMBER 1, 2020 THROUGH DECEMBER 31, 2021, PROVISIONS RELATING TO THE STIPULATION THAT NO EXTENDED BENEFIT PERIOD MAY BEGIN BEFORE THE FOURTEENTH WEEK FOLLOWING THE END OF A PRIOR EXTENDED BENEFIT PERIOD SHALL NOT APPLY.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

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.

Returned with concurrence.

Received as information.

S. 546 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, MARCH 3, 2021, 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 LANDER UNIVERSITY BOARD OF TRUSTEES TO FILL THE TERM OF THE AT-LARGE SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2022; TO ELECT A MEMBER OF THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES FOR THE AT-LARGE SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2024; TO ELECT A MEMBER OF THE CITADEL BOARD OF VISITORS, AT-LARGE SEAT, WHOSE TERM WILL EXPIRE JUNE 30, 2026; AND TO ELECT A MEMBER OF THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES TO FILL THE TERM OF THE MEMBER OF THE FIFTH JUDICIAL CIRCUIT, WHOSE TERM EXPIRES JUNE 30, 2022.

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 THE HOUSE**

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

S. 515 -- Senators Stephens and Hutto: A BILL TO AMEND SECTION 3(B)(5) OF ACT 280 OF 2018, RELATING TO THE ORANGEBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES' DUTY TO ADOPT ATTENDANCE ZONES, TO PROVIDE THAT THE BOARD'S DUTY TO ADOPT ATTENDANCE ZONES AND RELATED PROVISIONS SHALL NOT APPLY IF THE BOARD DETERMINES THAT A BUILDING OR STRUCTURE IS AN IMMINENT THREAT TO THE HEALTH OR SAFETY OF STUDENTS OR STAFF, THE NEEDED UPGRADES AND REPAIRS TO MAINTAIN A BUILDING OR STRUCTURE ARE ECONOMICALLY UNFEASIBLE, OR A BUILDING OR STRUCTURE IS UNDERUTILIZED AND THE USE OF ANOTHER BUILDING OR STRUCTURE IS FEASIBLE.

On motion of Senator STEPHENS.

SECOND READING BILL

S. 446 -- Senator Malloy: A BILL TO AMEND ACT 259 OF 1961, AS AMENDED, RELATING TO THE HARTSVILLE COMMUNITY CENTER BUILDING COMMISSION, TO INCREASE THE COMMISSION'S MEMBERSHIP FROM THREE TO FIVE MEMBERS.

On motion of Senator MALLOY.

OBJECTION

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.

Senator CORBIN objected to consideration of the Bill.

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CARRIED OVER

S. 221 -- Senators Shealy, Alexander, Hutto, Jackson, Gustafson and McElveen: 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 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.

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

**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. 222 -- Senators Shealy, McLeod, Hutto, Jackson, Matthews, Gustafson, K. Johnson and McElveen: 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.

OBJECTION

S. 491 -- Senator Leatherman: A JOINT RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING FIVE HUNDRED FIFTY MILLION (\$550,000,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STATE

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ECONOMIC DEVELOPMENT BONDS AND SUPPLEMENTING THE PROVISIONS OF CHAPTER 41, TITLE 11 FOR THE LIMITED PURPOSE OF DEFRAYING THE COST OF INTERMODAL CONTAINER TRANSFER INFRASTRUCTURE, WATERBORNE CARGO INFRASTRUCTURE, AND RELATED INFRASTRUCTURE IN SUPPORT THEREOF, AT OR IN THE VICINITY OF THE PORT OF CHARLESTON; TO ALLOCATE SUFFICIENT TAX REVENUES TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; TO PRESCRIBE REQUIREMENTS FOR NOTIFICATION, REVIEW, AND APPROVAL OF BOND ISSUANCE; TO PROVIDE FOR A PROCESS TO DEMONSTRATE COMPLIANCE WITH THE CONSTITUTIONAL LIMITATION ON DEBT SERVICE; AND TO MAKE OTHER PROVISIONS RELATED TO THE BONDS.

Senator HARPOOTLIAN objected to consideration of the Resolution.

READ THE SECOND TIME

S. 441 -- Senators Shealy, Hutto, Jackson, McElveen: and Gustafson
A BILL TO AMEND SECTION 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 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

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JUDICIAL REVIEW OF THE PLACEMENT OF A CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

POINT OF ORDER

S. 16 -- Senators Rankin, Hembree, Malloy, Fanning, Grooms and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH

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CAROLINA, 1976, BY ADDING SECTION 59-29-17 SO AS TO REQUIRE COMPLETION OF CERTAIN BASIC PERSONAL FINANCE COURSEWORK FOR HIGH SCHOOL GRADUATION INSTEAD OF EXISTING ECONOMICS COURSEWORK REQUIREMENTS, TO PROVIDE HIGH SCHOOLS MAY CONTINUE TO OFFER SUCH COURSEWORK, TO PROVIDE FOR THE DEVELOPMENT AND CONTENT OF RELATED STANDARDS, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP RELATED MEASURING AND REPORTING REQUIREMENTS AND SHALL MAKE RELATED RECOMMENDATIONS, AND TO MAKE THESE PROVISIONS APPLICABLE TO STUDENTS ENTERING NINTH GRADE BEGINNING WITH THE 2022-2023 SCHOOL YEAR; AND TO REPEAL SECTION 59-29-165 RELATING TO REQUIRED INSTRUCTION IN PERSONAL FINANCE.

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. 82 -- Senator Malloy: A BILL TO AMEND SECTION 15-78-120 OF THE 1976 CODE, RELATING TO LIMITATIONS ON LIABILITY, TO INCREASE THE LIMITS FROM A LOSS TO ONE PERSON ARISING FROM A SINGLE OCCURRENCE TO ONE MILLION DOLLARS, TO INCREASE THE TOTAL LIMITS FROM A LOSS ARISING OUT OF A SINGLE OCCURRENCE TO TWO MILLION DOLLARS, AND TO REQUIRE THE LIMITS BE ANNUALLY ADJUSTED IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

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.

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OBJECTION

S. 147 -- Senators Massey, Rice, Hembree, Adams, Peeler, Turner, Alexander, Gustafson, Talley, Loftis, Climer, Kimbrell and Grooms: A JOINT RESOLUTION TO ENACT THE “SOUTH CAROLINA COVID-19 LIABILITY SAFE HARBOR ACT”; 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 LIABILITY PROTECTION FOR COVERED ENTITIES AND COVERED INDIVIDUALS FOR CORONAVIRUS CLAIMS; TO PROVIDE 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 AND ANY OTHER LAW OF THIS STATE, THE PROVISIONS OF THIS JOINT RESOLUTION SHALL PREVAIL; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION ARE RETROACTIVE AND EFFECTIVE AS OF MARCH 13, 2020; AND TO DEFINE NECESSARY TERMS.

Senator KIMPSON objected to the consideration of the Resolution.

POINT OF ORDER

S. 160 -- Senator Scott: A BILL TO AMEND SECTION 59-53-1784, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO REQUIRE THE AUTHORITY TO FILE CERTAIN DOCUMENTS WITH THE STATE FISCAL ACCOUNTABILITY AUTHORITY; 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.

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.

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POINT OF ORDER

S. 203 -- Senators Hembree and Gustafson: A BILL TO AMEND SECTION 59-19-60 OF THE 1976 CODE, RELATING TO THE REMOVAL OF SCHOOL DISTRICT TRUSTEES AND FILLING VACANCIES, TO PROVIDE THAT 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 BY THE GOVERNOR, TO DELETE NOTICE REQUIREMENTS AND THE RIGHT TO APPEAL, AND TO MAKE CONFORMING CHANGES.

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. 475 -- Senators Rankin, Grooms, Williams, Scott, Hembree, McElveen, Senn, Talley, Adams, Harpootlian, Hutto, Goldfinch, Matthews and Gambrell: A JOINT RESOLUTION TO REQUIRE NEXTERA ENERGY, INC. TO PROVIDE CERTAIN DOCUMENTS RELATED TO THE PUBLIC SERVICE AUTHORITY TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE, THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Joint 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.

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MOTION ADOPTED

At 12:27 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

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

CARRIED OVER

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.

Senator MASSEY moved to carry over the Bill.

Senator HARPOOTLIAN moved to table the motion to carry over.

The Senate refused to table the motion to carry over.

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

CARRIED OVER

S. 221 -- Senators Shealy, Alexander, Hutto, Jackson, Gustafson and McElveen: 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 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

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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.

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

CARRIED OVER

S. 200 -- Senators Hembree, Martin, Kimbrell, Shealy and Gustafson: 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 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.

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

CARRIED OVER

S. 40 -- Senator Grooms: A BILL TO AMEND SECTION 5-29-30 OF THE 1976 CODE, RELATING TO THE RIGHT OF MUNICIPALITIES TO ESTABLISH ON-STREET PARKING FACILITIES, TO PROVIDE THAT MUNICIPALITIES MAY NOT ESTABLISH OR ALTER PARKING FACILITIES ON ANY STATE HIGHWAY FACILITY WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 57-5-840 OF THE 1976 CODE, RELATING TO ALTERATIONS BY A MUNICIPALITY OF STATE HIGHWAY

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FACILITIES, TO PROVIDE THAT RESTRICTIONS ON THE USE OF STATE HIGHWAY FACILITIES BY A MUNICIPALITY ARE SUBJECT TO PRIOR APPROVAL BY THE DEPARTMENT OF TRANSPORTATION; TO AMEND ARTICLE 5, CHAPTER 5, TITLE 57 OF THE 1976 CODE, RELATING TO CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, BY ADDING SECTION 57-5-845, TO PROVIDE THAT PARKING ON STATE HIGHWAY FACILITIES LOCATED ON BARRIER ISLANDS IS FREE AND ANY RESTRICTIONS MAY ONLY BE MADE BY THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 57-7-210 OF THE 1976 CODE, RELATING TO OBSTRUCTIONS IN HIGHWAYS, TO PROVIDE THAT THE FINE FOR VIOLATIONS IS CALCULATED ON A PER-DAY BASIS; TO AMEND SECTION 57-7-220 OF THE 1976 CODE, RELATING TO THE REMOVAL OF OBSTRUCTIONS IN HIGHWAYS, TO PROVIDE THAT OBSTRUCTIONS ON ANY PORTION OF A PUBLIC HIGHWAY MUST BE REMOVED AS SOON AS POSSIBLE BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTAINING THE HIGHWAY; AND TO DEFINE NECESSARY TERMS.

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

DEBATE INTERRUPTED BY ADJOURNMENT

S. 491 -- Senator Leatherman: A JOINT RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING FIVE HUNDRED FIFTY MILLION (\$550,000,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STATE ECONOMIC DEVELOPMENT BONDS AND SUPPLEMENTING THE PROVISIONS OF CHAPTER 41, TITLE 11 FOR THE LIMITED PURPOSE OF DEFRAYING THE COST OF INTERMODAL CONTAINER TRANSFER INFRASTRUCTURE, WATERBORNE CARGO INFRASTRUCTURE, AND RELATED INFRASTRUCTURE IN SUPPORT THEREOF, AT OR IN THE VICINITY OF THE PORT OF CHARLESTON; TO ALLOCATE SUFFICIENT TAX REVENUES TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; TO PRESCRIBE REQUIREMENTS FOR NOTIFICATION, REVIEW, AND APPROVAL OF BOND ISSUANCE; TO PROVIDE FOR A PROCESS TO DEMONSTRATE COMPLIANCE WITH THE CONSTITUTIONAL LIMITATION ON DEBT SERVICE; AND TO MAKE OTHER PROVISIONS RELATED TO THE BONDS.

The Senate proceeded to a consideration of the Resolution.

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Senator LEATHERMAN spoke on the Resolution.

The Committee on Finance proposed the following amendment (DG\491C002.NBD.DG21):

Amend the joint resolution, as and if amended, SECTION 3, by adding a subsection at the end to read:

/ (4) The authorization contained herein must be limited to the amount required to defray the costs of infrastructure as certified by the Secretary of Commerce, in coordination with the South Carolina State Ports Authority, as supplemented by details sufficient to establish the costs of the infrastructure, and the costs of issuance of the bonds, as reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority. /

Amend the joint resolution further, page 4, by striking lines 1-43 and inserting:

/ the issue of bonds, such authorizing resolution including, among other things:

(1) a schedule reflecting the aggregate principal and interest of all general obligation bonds then outstanding subject to the limitation on maximum annual debt service prescribed by Section 13(6)(c), Article X of the Constitution of this State;

(2) a schedule reflecting the estimated principal and interest requirements on the bonds proposed to be issued;

(3) a schedule reflecting the estimated aggregate principal and interest of all general obligation bonds to be outstanding following issuance of the bonds proposed to be issued, demonstrating compliance with the limitation on maximum annual debt service prescribed by Section 13(6)(c), Article X of the Constitution of this State; and

(4) the approval contemplated by SECTION 3(4).

SECTION 6. (1) The bonds must bear the date and mature at the times, or in the manner that the authorizing resolution provides, except that a bond may not mature more than thirty years from its date of issue. The bonds may be in the denominations, be payable in the medium of payment, be payable at the place and at the time, and be subject to redemption or repurchase and contain other provisions determined by, or determined in the manner prescribed by, the State Fiscal Accountability Authority before their issue. The bonds may bear interest payable at the times and at the rates determined by, or determined in the manner prescribed by, the State Fiscal Accountability Authority.

(2) Bonds issued under this joint resolution are exempt from taxation as provided in Section 12-2-50 of the 1976 Code.

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(3) Bonds must be sold by the Governor and the State Treasurer, at public sale, after publication of notice of the sale one or more times at least seven days before the sale, in a financial paper published in New York City which regularly publishes notices of sale of state or municipal bonds. The bonds may be awarded upon the terms and in the manner as prescribed in the authorizing resolution. The right must be reserved to reject all bids and to readvertise the bonds for sale. All expenses incident to the sale of the bonds must be paid from the proceeds of the sale of the bonds.

(4) All bonds issued under this joint resolution must be signed by the Governor and the State Treasurer and attested by the Secretary of State. The Governor, State Treasurer, and Secretary of State may sign these obligations by a facsimile of their signatures. The Great Seal of the State must be affixed to, impressed on, or reproduced upon each bond. The delivery of the bonds executed and /

Amend the joint resolution further by adding an appropriately numbered SECTION to read:

/ SECTION ____ . (A) As a further condition before the issuance of the bonds, the state entities responsible for implementation, operation, and management of each facility or component of the project to be financed must establish, by a detailed, signed written agreement, the ownership of the Intermodal Container Facility, the entity responsible for the bidding and the construction of each facility, and the entity responsible for the operations and management of each facility or component of the project. This written agreement must include without limitation the source of revenues sufficient to support the expenses of each facility or component, as may be determined from time to time, and the proposed use of any net revenue from each component of the project. It is the intent of the General Assembly that revenues generated by the project will be sufficient to cover the project's costs of operations, future capital investments, and all other expenses and contingencies without necessity for state appropriation beyond the initial capital investment funded by proceeds of the bonds.

(B) Beginning with the close of the calendar quarter following issuance of the bonds and continuing through the date of substantial completion of each facility or component of the project, there must be provided, no less frequently than quarterly, progress reports for the implementation of each facility or component of the project. The Joint Bond Review Committee may request additional information be provided.

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(C) For each year during which bonds are outstanding, there must be provided financial results, operating plans, budgets, capital plans, and performance objectives and results for the project, and each facility or component thereof.

(D) The written agreements and reporting requirements provided for in this SECTION must be made available to the Joint Bond Review Committee, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Finance Committee of the Senate, and the Chairman of the Ways and Means Committee of the House of Representatives. The Joint Bond Review Committee must review and provide comment, and may prescribe the reporting format and such other informational requirements and reports as it deems useful and necessary, to ensure the financial integrity, accountability, and stewardship of the proceeds of the bonds and the ongoing operations of the project.

(E) Within thirty days of availability, each state entity with responsibility for implementation, operation, and management of any facility or component of the project must provide in each year during which bonds are outstanding their respective independently audited financial statements to the Joint Bond Review Committee, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Finance Committee of the Senate, and the Chairman of the Ways and Means Committee of the House of Representatives. The independently audited financial statements also must be made publicly available or accessible on the state entity's website. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the committee amendment.

Senator DAVIS spoke on the Resolution.

Senator KIMPSON spoke on the Resolution.

Senator BENNETT spoke on the Resolution.

Senator CAMPSER spoke on the Resolution.

Senator GROOMS spoke on the Resolution.

Senator DAVIS spoke on the Resolution.

Debate was interrupted by adjournment.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William Burkett Cox, Sr. of Orangeburg, S.C. Bill served in the United States Army during WWII. Bill later built a wood-treating facility in 1953 in Orangeburg and was a leader in the treated wood industry. In 1990, Bill was selected as the South Carolina Small Business Person of the Year. He was inducted into the S.C. Housing Hall of Fame, the Orangeburg County Business Hall of Fame and the South Carolina Business Hall of Fame and received a Lifetime Achievement Award of the Pile Driving Association. Bill was an avid supporter of the First Baptist Church Soup Kitchen ministry. He enjoyed cooking for family and friends and telling stories. Bill was a loving father, devoted brother 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 Samuel Ford Thrift of Seneca, S.C. Sam was one of the owners and co-founders of Thrift Brothers, Inc. where he worked as a general contractor. Sam was drafted in the United States Army where he served our country from 1951-1953. He was a faithful member of Seneca Baptist Church, the American Legion and Lion's Club. Some of Sam's great humanitarian work included the South Carolina Baptist Foundation, Connie Maxwell Children's Home, Collins Children's Home, Humane Society and the Back 9 Ministry to mention a few. He served on the Board of Trustees and Board of Regents for Anderson University where he was named a lifetime Trustee. Thrift Brothers, Inc. received the Tri-County Technical College Foundation Philanthropist of the year in 2017. Sam was a loving husband, devoted brother and doting uncle who will be dearly missed.

ADJOURNMENT

At 4:56 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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