

NO. 23

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

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WEDNESDAY, FEBRUARY 17, 2021

**Wednesday, February 17, 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:

Jeremiah 23:5

In Jeremiah we read:

“ ‘The days are coming,’ declares the Lord, ‘when I will raise up to David a righteous Branch, a King who will reign wisely and do what is just and right in the land.’ ”

Let us pray: We are in the midst, O God, of Black History Month throughout in the United States. In our Nation -- and surely here in South Carolina -- we pause to recognize those leaders who have done so very much to improve the lot of a great many of our residents. Yet we know that so much ground still needs to be covered in the years ahead. But in the midst of challenges and of cries for continuing progress, we pause to give thanks for heroes like Dr. Martin Luther King, Jr. Dr. King indeed declared a short time before his death, that, “The time is always right to do what is right.” How true that is. So may we all vow to continue doing our own part -- doing what is right. In Your loving and most blessed name we pray, O Savior. Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2020, and to expire September 30, 2023

Occupational Therapist:

M. Rebecca T. Coleman, 605 Wando Street, Columbia, SC 29205

Referred to the Committee on Medical Affairs.

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Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2019, and to expire March 15, 2025

4th Congressional District:

Reno R. Boyd, 107 Nightingale Lane, Greenville, SC 29607-5539  
*VICE* C. David Baxter

Referred to the Committee on Corrections and Penology.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2021, and to expire March 15, 2027

5th Congressional District:

Henry S. Eldridge, 2040 Manila Bay Lane, Tega Cay, SC 29708-8524

Referred to the Committee on Corrections and Penology.

Reappointment, South Carolina Commission for the Blind, with the term to commence December 16, 2018, and to expire December 16, 2022

4th Congressional District:

Mary S. Sonksen, 102 Edgebrook Ct., Spartanburg, SC 29302

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2021, and to expire June 30, 2025

2nd Congressional District:

Earl McLeod, 317 Country Lake Court, Lexington, SC 29072 *VICE*  
Walter D. Spruill

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2018, and to expire June 30, 2023

5th Congressional District:

Christy B. Rhyne, 2170 Westbrook Road, Edgemoor, SC 29712-6736

Referred to the Committee on Labor, Commerce and Industry.

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Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2019, and to expire June 30, 2023  
3rd Congressional District:

Timothy W. Roberts, 2907 Rambling Path, Anderson, SC 29621

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2021, and to expire March 20, 2025

Nail Technician:

Melanie C. Thompson, 3251 Plattmoor Drive, Myrtle Beach, SC 29588

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 31, 2020, and to expire March 31, 2024

Cosmetologist:

Patricia C. Walters, 360 Canal Place Dr., Columbia, SC 29201

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Board of Podiatry Examiners, with the term to commence December 21, 2018, and to expire December 21, 2022

Upper District:

William Harris, IV, 1885 Overbrook Dr., Rock Hill, SC 29732-1536  
*VICE* Dr. Bradley A. Lindstrom

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2018, and to expire April 6, 2024

Consumer:

Deloris Mungo, 379 Hollywood Rd., Columbia, SC 29212-8400 *VICE*  
Rebecca L. Shealy

Referred to the Committee on Agriculture and Natural Resources.

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**Doctor of the Day**

Senator McLEOD introduced Dr. Helmut Albrecht of Columbia, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 2 Sen. Kimbrell  
S. 16 Sens. Bennett, Scott, Stephens, Peeler, Sabb  
S. 147 Sen. Bennett  
S. 160 Sen. Setzler  
S. 203 Sen. Bennett  
S. 369 Sen. Martin  
S. 497 Sen. Gustafson  
S. 520 Sen. Davis  
S. 548 Sen. Young  
S. 550 Sen. Kimbrell

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 554 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SHUMPERT'S IGA FOR ONE HUNDRED TWENTY-FIVE YEARS OF SERVICE TO THE PELION COMMUNITY AND TO CONGRATULATE THE OWNERS, MANAGERS, AND EMPLOYEES AS THEY CONTINUE THIS NOTEWORTHY LEGACY.

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The Senate Resolution was adopted.

S. 555 -- Senator Sabb: A SENATE RESOLUTION TO CONGRATULATE THE KINGSTREE LIONS CLUB UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND TO EXPRESS THE UTMOST GRATITUDE FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE CITIZENS OF KINGSTREE AND WILLIAMSBURG COUNTY.

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The Senate Resolution was adopted.

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S. 556 -- Senator Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-107 SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF THE PROVISIONS OF CHAPTER 11, TITLE 50; TO AMEND SECTION 50-9-450, RELATING TO COMMERCIAL FUR LICENSES, SO AS TO REMOVE THE LICENSE REQUIREMENT FOR PERSONS WHO TRAP FUR-BEARING ANIMALS; TO AMEND SECTION 50-11-2200, RELATING TO UNLAWFUL CONDUCT ON WILDLIFE MANAGEMENT AREAS, SO AS TO REMOVE THE PROHIBITION ON TRAPPING; TO AMEND SECTION 50-11-2400, RELATING TO DEFINITIONS, SO AS TO LIMIT THE DEFINITION OF THE TERM "COMMERCIAL PURPOSES" TO FUR-BEARING ANIMALS; TO AMEND SECTION 50-11-2430, RELATING TO THE PROOF OF OWNERSHIP OR PERMISSION TO SET TRAPS ON LAND, SO AS TO LIMIT THE USE OF TRAPS ON PRIVATE LAND TO THE OWNER OR HIS AGENT; TO AMEND SECTION 50-11-2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE, SO AS TO REMOVE REFERENCES TO A DESIGNEE AND INSERT THE TERM "AGENT"; TO AMEND SECTION 50-11-2450, RELATING TO REPORTING REQUIREMENTS FOR COMMERCIAL FUR LICENSEES, SO AS TO REMOVE A REFERENCE TO A REPEALED CODE SECTION; TO AMEND SECTION 50-11-2460, RELATING TO TRAPS ALLOWED FOR TRAPPING, SO AS TO REQUIRE ONLY CERTAIN INFORMATION TO BE ON TRAPS ON PUBLIC LAND; TO AMEND SECTION 50-11-2515, RELATING TO PROHIBITED ACTS, SO AS TO ESTABLISH A PENALTY FOR CERTAIN ACTS; TO AMEND SECTION 50-11-2540, RELATING TO TRAPPING SEASON, SO AS TO ESTABLISH TRAPPING SEASONS ON PUBLIC AND PRIVATE LAND AND TO REMOVE CERTAIN PROHIBITIONS ON TRAPPING COYOTES; TO AMEND SECTION 50-11-2565, RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12, SO AS TO REMOVE A REFERENCE; TO AMEND SECTION 50-11-2570, RELATING TO SPECIAL PERMITS TO CAPTURE DESTRUCTIVE WILDLIFE, SO AS TO ALLOW A PROPERTY OWNER OR HIS AGENT TO TAKE FUR-BEARING ANIMALS OR SQUIRRELS FOR AGRICULTURAL OR WILDLIFE MANAGEMENT PURPOSES WITHOUT A LICENSE OR PERMIT AND TO REMOVE THE PROHIBITION ON THE COMMERCIAL DISPOSAL OF A FUR-BEARING ANIMAL TAKEN IN ACCORDANCE WITH A DEPREDATION PERMIT;

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AND TO REPEAL SECTION 50-11-2560 RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12.

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

S. 557 -- Senator Alexander: A BILL TO AMEND SECTION 12-20-50 OF THE 1976 CODE, RELATING TO THE IMPOSITION OF A LICENSE FEE ON CORPORATIONS, TO PROVIDE THAT THE LICENSE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

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

S. 558 -- Senator Alexander: A JOINT RESOLUTION TO AUTHORIZE CERTAIN PODIATRISTS TO ADMINISTER PREMEASURED DOSES OF THE COVID-19 VACCINE.

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

S. 559 -- Senator Campsen: A BILL TO AMEND SECTION 7-11-10 OF THE 1976 CODE, RELATING TO METHODS OF NOMINATING CANDIDATES, TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7-13-320(D) OF THE 1976 CODE, RELATING TO BALLOT STANDARDS AND SPECIFICATIONS, TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

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

S. 560 -- Senator Scott: A JOINT RESOLUTION TO ESTABLISH THE HEIRS' PROPERTY STUDY COMMITTEE TO EXAMINE CURRENT AND PROSPECTIVE METHODS TO ADDRESS HEIR'S PROPERTY ISSUES IN SOUTH CAROLINA, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, TO REQUIRE THE

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COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND TO DISSOLVE THE STUDY COMMITTEE.

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

S. 561 -- Senators Setzler and McLeod: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION, 1895, BY ADDING ARTICLE XVIII, TO PROVIDE FOR AN INDEPENDENT REAPPORTIONMENT COMMISSION, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND THE MANNER IN WHICH MEMBERS OF THE COMMISSION ARE CHOSEN, TO PROVIDE FOR THE DUTIES OF THE COMMISSION, TO PROVIDE FOR THE APPROVAL OF PROPOSED APPORTIONMENT PLANS, TO PROVIDE FOR APPORTIONMENT IN THE EVENT THAT A PROPOSED APPORTIONMENT PLAN IS NOT APPROVED BY REFERENDUM, AND TO EXEMPT THE PROVISIONS OF THIS ARTICLE FROM THE PROVISIONS CONTAINED IN SECTION 1, ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION.

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

S. 562 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5010, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 563 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5013, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.



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Read the first time and ordered placed on the Calendar without reference.

S. 564 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES ASSESSED BY THE STATE ATHLETIC COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5024, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 565 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES ASSESSED BY THE AUCTIONEERS' COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5025, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 566 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, RELATING TO SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4993, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 567 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR BULK LICENSURE

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VERIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5008, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 568 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES FOR THE REAL ESTATE APPRAISERS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 5009, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 569 -- Senator Adams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 52 RIVERS AVENUE FROM ITS INTERSECTION WITH MALL DRIVE TO ITS INTERSECTION WITH MCMILLAN AVENUE IN CHARLESTON COUNTY "ROBERT ANTHONY 'TONY' WAY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

S. 570 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE ATTORNEY GENERAL, RELATING TO FEES TO ACCOMPANY REQUEST FOR CONFIRMATION OF SOLICITATION EXEMPTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4983, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

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S. 571 -- Senator Shealy: A BILL TO AMEND ARTICLE 3, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO NARCOTICS AND CONTROLLED SUBSTANCES, BY ADDING SECTION 44-53-361, TO REQUIRE PRESCRIBERS TO OFFER A PRESCRIPTION FOR NALOXONE TO A PATIENT UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

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

S. 572 -- Senator Martin: A BILL TO AMEND SECTION 12-36-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "GROSS PROCEEDS OF SALES", SO AS TO EXCLUDE AMOUNTS RECEIVED FROM A BUYDOWN.

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Senator MARTIN spoke on the Bill.

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

S. 573 -- Senator Malloy: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DAVID ADDISON AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 574 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "FEMALE HEALTH AND WELLNESS ACT" BY ADDING CHAPTER 139 TO TITLE 44 SO AS TO DEFINE "FEMININE HYGIENE PRODUCTS" AND TO PROVIDE THAT THE SALE OF FEMININE HYGIENE PRODUCTS ARE EXEMPT FROM SALES TAXES.

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

S. 575 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-117 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS

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AND TO PROVIDE THE CRIMINAL JUSTICE ACADEMY SHALL OFFER COURSES TO TRAIN LAW ENFORCEMENT OFFICERS ON HANDLING SITUATIONS THAT MAY ARISE FROM THE ENFORCEMENT OF THIS PROVISION.

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

S. 576 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR EDWARD Y. "EDDIE" MURPHY, JR., DEPARTMENT DIRECTOR OF CHESTER COUNTY EMERGENCY MANAGEMENT AND CHIEF OF THE LANDO FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER SIXTEEN YEARS OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 577 -- Senator Fanning: A BILL TO AMEND SECTION 38-71-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROCEDURES REQUIRING COVERAGE BY HEALTH INSURANCE POLICIES, SO AS TO REQUIRE INDIVIDUAL AND GROUP HEALTH INSURANCE AND HEALTH MAINTENANCE ORGANIZATIONS TO COVER ANNUAL WELL-WOMAN EXAMINATIONS AND TO PROVIDE A DEFINITION.

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

S. 578 -- Senator Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-105 SO AS TO PROVIDE SCHOOL BOARD TRUSTEES SHALL ATTEMPT MEDIATION OF DISPUTES AMONG BOARD MEMBERS OR WITH THE BOARD ITSELF BEFORE INITIATING LITIGATION TO RESOLVE SUCH DISPUTES, TO PROVIDE REQUIREMENTS FOR MEDIATION AND LITIGATION, AND TO PROVIDE MEDIATION COSTS MUST BE PAID BY BOARD MEMBERS IN THEIR PERSONAL CAPACITY AND NOT CORPORATELY BY LOCAL SCHOOL BOARDS.

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

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S. 579 -- Senators Talley, Peeler, Hembree, Kimbrell, Martin and Corbin: A SENATE RESOLUTION TO CONGRATULATE JUDGE PHILLIP K. SINCLAIR UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE SEVENTH JUDICIAL CIRCUIT AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 580 -- Senator Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE CAPITAL CITY/LAKE MURRAY COUNTRY UPON THE OCCASION OF ITS FORTIETH ANNIVERSARY.

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

H. 3029 -- Reps. Huggins, Garvin, Allison, Ballentine and Wooten: 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.

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

H. 3689 -- Rep. Allison: A BILL TO AMEND SECTION 56-3-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY

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REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

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

H. 3905 -- Reps. Allison, Chumley, Henderson-Myers, Hyde, Long, Magnuson, T. Moore and Nutt: A CONCURRENT RESOLUTION TO CONGRATULATE SPARTANBURG REGIONAL HEALTHCARE SYSTEM ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND, ON BEHALF OF THE PEOPLE OF SOUTH CAROLINA, TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE SYSTEM'S MANY YEARS OF DEDICATED SERVICE TO THIS GREAT STATE.

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

**REPORT OF STANDING COMMITTEE**

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

S. 227 -- Senators Shealy, McElveen and Matthews: A BILL TO ENACT THE "MASSAGE THERAPY PRACTICE ACT"; TO AMEND CHAPTER 30, TITLE 40 OF THE 1976 CODE, RELATING TO MASSAGE THERAPY PRACTICE, TO PROVIDE THAT IT IS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE TO REGULATE THE PRACTICE OF MASSAGE THERAPY, TO PROVIDE FOR THE COMPOSITION AND DUTIES OF THE BOARD OF MASSAGE THERAPY, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PUBLISH A ROSTER OF LICENSED MASSAGE THERAPISTS AND ESTABLISHMENTS, TO PROVIDE FOR LICENSURE FEES, TO REMOVE THE REQUIREMENT FOR AN ANNUAL REPORT ON THE ADMINISTRATION OF THE MASSAGE THERAPY PRACTICE ACT BY THE DEPARTMENT, TO PROVIDE FOR EXEMPTIONS TO THE MASSAGE THERAPY PRACTICE ACT, TO PROVIDE CERTAIN REQUIREMENTS FOR THE TEMPORARY PRACTICE OF MASSAGE THERAPY, TO PROVIDE THAT NO PERSON MAY PRACTICE OR OFFER TO PRACTICE MASSAGE THERAPY WITHOUT A LICENSE, TO PROVIDE THAT NO PERSON OR ENTITY MAY OPEN, OPERATE, MAINTAIN, USE, OR ADVERTISE AS A MASSAGE THERAPY ESTABLISHMENT OR A SOLE PRACTITIONER

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ESTABLISHMENT WITHOUT OBTAINING A LICENSE, TO PROVIDE PENALTIES, TO CLARIFY LICENSURE REQUIREMENTS FOR A MASSAGE THERAPIST LICENSE, TO PROVIDE LICENSURE REQUIREMENTS FOR A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT, TO PROVIDE THAT THE BOARD MAY GRANT A LICENSE BY ENDORSEMENT TO A MASSAGE THERAPIST WHO HOLDS AN ACTIVE MASSAGE THERAPIST LICENSE AND IS IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANY OTHER UNITED STATES TERRITORY, TO CLARIFY REQUIREMENTS RELATED TO APPLYING FOR AND OBTAINING A LICENSE, TO PROVIDE FOR PERIODIC INSPECTIONS OF MASSAGE THERAPY ESTABLISHMENTS AND SOLE PRACTITIONER ESTABLISHMENTS, TO PROVIDE THAT CERTAIN REQUIREMENTS RELATING TO LICENSES SHALL BE COMPLETED BIENNIALLY, TO PROVIDE THAT RENEWAL OF LICENSES SHALL BE COMPLETED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT CONTINUING EDUCATION REPORTS ARE SUBJECT TO AUDITS, TO CLARIFY CERTAIN REQUIREMENTS RELATED TO LAPSED LICENSES, TO PROVIDE THAT A LICENSEE MAY PROVIDE A WRITTEN REQUEST TO THE BOARD TO PLACE A LICENSE IN INACTIVE STATUS, TO PROVIDE THAT A LICENSEE MUST BIENNIALLY RENEW ITS LICENSE TO REMAIN IN INACTIVE STATUS, TO PROVIDE THAT A LICENSE MAY BE REACTIVATED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT INACTIVE STATUS DOES NOT STAY ANY DISCIPLINARY ACTIONS FOR VIOLATIONS THAT OCCURRED DURING THE COURSE OF AN ACTIVE LICENSE, TO CLARIFY REGULATIONS THAT SHALL BE PROMULGATED BY THE BOARD, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND VIOLATIONS, TO PROVIDE THAT THE PRESIDING OFFICER OF THE BOARD MAY ADMINISTER OATHS, TO PROVIDE FOR APPEALS OF THE BOARD'S DECISIONS, TO PROVIDE THAT SERVICE OF A NOTICE OF AN APPEAL DOES NOT STAY THE BOARD'S OR THE DEPARTMENT'S DECISION PENDING COMPLETION OF THE APPELLATE PROCESS, TO CLARIFY GROUNDS FOR DENYING A LICENSE, TO CLARIFY THE INVESTIGATION PROCESS AND CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE THAT AN

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INDIVIDUAL OR ESTABLISHMENT THAT VOLUNTARILY SURRENDERS A LICENSE MAY NOT PRACTICE AS A MASSAGE THERAPIST OR OPERATE AS A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT UNTIL THE BOARD REINSTATES THE LICENSE, TO PROVIDE THAT SERVICE OF NOTICE MAY BE MADE BY LEAVING A COPY OF THE NOTICE WITH THE DIRECTOR OF THE DEPARTMENT OR HIS DESIGNEE IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT COSTS AND FINES IMPOSED ARE DUE AND PAYABLE AS REQUIRED BY THE BOARD, TO PROVIDE THAT A LICENSEE FOUND IN VIOLATION OF THE MASSAGE THERAPY PRACTICE ACT OR RELATED REGULATIONS MAY BE REQUIRED TO PAY COSTS ASSOCIATED WITH THE INVESTIGATION OF HIS CASE, TO MAKE CONFORMING CHANGES, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 16, 2021

Mr. President and Senators:

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

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.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

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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Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

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

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

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.

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

**OBJECTION**

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

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\16C002.RT.WAB21):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-29-17(D) and inserting:

/ (D) This section applies to any student entering ninth grade beginning in the 2023-2024 School Year.” /

Amend the bill further by striking SECTION 3 and inserting:

/ SECTION 3. This act takes effect July 1, 2023. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

Senator HUTTO spoke on the Bill.

Senator HUTTO objected to further consideration of the Bill.

**OBJECTION**

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.

Senator MARTIN objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 160 -- Senators Scott and Setzler: 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

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\160C001.RT.WAB21), which was adopted:

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

/ SECTION 1. Section 59-53-1784(C) of the 1976 Code is amended to read:

“(C)(1) The authority is exempt from all regulations and general laws including, but not limited to, Sections 1-11-58 and 1-11-65, governing disposal of surplus government property, whether real, personal, or mixed.

(2) The exemption provided in item (1) includes an exemption for the sale of real property but only if the sale is for a price not less than a market value determined by an appraisal conforming to the Department of Administration’s appraisal standards and the transfer of title is by quit claim deed. After the recording of the deed for the sold real property, the authority shall file with the Department of Administration and the State Fiscal Accountability Authority a copy of the recorded deed and a copy of the appraisal.”

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

Amend title to conform.

Senator HEMBREE explained the 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 46; Nays 0**

**AYES**

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

**Total--46**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 203 -- Senators Hembree, Gustafson and Bennett: 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.

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The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\203C001.RT.WAB21):

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 59-16-60 of the 1976 Code is amended to read:

“Section 59-19-60. Notwithstanding any provision of law to the contrary, school district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59-19-560. who willfully commit or engage in an act of malfeasance, misfeasance, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office or is deemed incompetent or incapacitated must be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term by the county board of education in the same manner as provided for full-term appointments. /

Renumber sections to conform.

Amend title to conform.

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

**OBJECTION**

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

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JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE  
JUDICIARY COMMITTEE.

The Senate proceeded to a consideration of the Resolution.

Senator RANKIN explained the Resolution.

Senator MASSEY objected to further consideration of the Resolution.

**POINT OF ORDER**

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.

Senator BENNETT explained the Bill.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

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.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

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

**MADE SPECIAL ORDER**

S. 147 -- Senators Massey, Rice, Hembree, Adams, Peeler, Turner, Alexander, Gustafson, Talley, Loftis, Climer, Kimbrell, Grooms and Bennett: 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 MASSEY moved that the Resolution be made a Special Order.

Senator MALLOY argued in opposition of the motion.

The Resolution was made a Special Order.

**MOTION ADOPTED**

At 3:22 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**Motion to Ratify Adopted**

At 3:25 P.M., Senator GROOMS made a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

The motion was adopted and a message was sent to the House accordingly.



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**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE SECOND TIME**

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.

The Committee on Finance proposed the following amendment (DG491C002.NBD.DG21), which was adopted:

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

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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.

(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,

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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.

(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

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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 amendment.

The committee amendment was adopted.

**Amendment No. 3**

Senator SENN proposed the following amendment (491R002.KMM.SS), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION \_\_ (E), as added to the joint resolution by the Committee Amendment, and inserting:

/ (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 members of the General Assembly, and the Governor. The independently audited financial statements must also be made publicly available or accessible on the state entity's website. /

Renumber sections to conform.  
Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

**Amendment No. 4**

Senator SENN proposed the following amendment (491R003.SP.SS), which was ruled out of order:

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

/SECTION \_\_. Section 54-3-10 and Section 54-3-20 of the 1976 Code are amended to read:

“Section 54-3-10. (A) There is created the South Carolina State Ports Authority. The governing body of the authority is a board of

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directors consisting of ~~eleven~~ fourteen members, nine voting members appointed by the Governor as provided in Section 54-3-20, the Secretary of Transportation, or his designee, and the Secretary of Commerce, or his designee, and the mayors of North Charleston, Mount Pleasant, and Charleston. The voting members shall be responsible for setting policies and direction for the authority so that the authority may achieve its mission. The powers and duties of the authority shall be exercised by the board. The board may delegate to one or more officers, agents, or employees such powers and duties as it determines are necessary and proper for the effective, efficient operation of the port.

(B) The Secretary of Transportation, ~~and~~ the Secretary of Commerce, and mayors of North Charleston, Mount Pleasant, and Charleston:

(1) shall serve on the board, ex officio, as nonvoting members; and

(2) are ineligible for election as chairman, vice chairman, secretary, treasurer, or any other office elected by the board; ~~and~~

~~(3) may only attend meetings or portions of meetings open to the public. They are not permitted to attend executive session meetings.~~

Section 54-3-20. (A) The members of the board, except for the Secretary of Transportation, ~~and~~ the Secretary of Commerce, and mayors of North Charleston, Mount Pleasant, and Charleston, shall be appointed by the Governor, with the advice and consent of the Senate, for terms of five years each and until their successors shall have been appointed, screened, and qualified. In the event of a vacancy, however caused, a successor shall be appointed in the manner of original appointment for the unexpired term. No member of the board, except for the Secretary of Transportation, Secretary of Commerce, and mayors of North Charleston, Mount Pleasant, and Charleston, may serve more than three terms total.

(B) A candidate for appointment to the board may not be confirmed by the Senate or serve on the board, even in an interim capacity, until he is found qualified by possessing the abilities, the experience, and the minimum qualifications contained in Section 54-3-60.” /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Resolution.

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Senator SENN spoke to the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 5**

Senator SENN proposed the following amendment (491R004.SP.SS), which was ruled out of order:

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

/SECTION \_\_. There is established in the State Treasury the Intermodal Container Transfer Facility Infrastructure Account. This account is separate and distinct from the general fund of the State and all other funds. The account shall consist of the proceeds collected from the five dollar per container user fee charged for using the Intermodal Container Transfer Facility. The account shall be used by the Department of Transportation for infrastructure projects. Of the projects funded from this account, ninety percent of the projects must be to offset impacts caused by truck and rail traffic. Ten percent must be projects related to environmental mitigation. Earnings and interest on this account must be credited to it, and any balance at the end of a fiscal year carries forward to the account in the succeeding fiscal year. /

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Resolution.

Senator SENN spoke to the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**WEDNESDAY, FEBRUARY 17, 2021**

**Amendment No. 6**

Senators MARTIN and SETZLER proposed the following amendment (DG491C004.NBD.DG21), which was withdrawn:

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

/ SECTION \_\_\_\_. Until all the bonds issued pursuant to this joint resolution have been retired, the South Carolina State Ports Authority must make an annual payment of \$336,000 to the general fund of the State to offset the debt service required by such bonds. /

Re-number sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

On motion of Senator MARTIN, with unanimous consent, the amendment was withdrawn.

Senator SETZLER spoke on the Resolution.

Senator HUTTO spoke on the Resolution.

Senator DAVIS spoke on the Resolution.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, S. 491 was read the second time waiving the provisions of Rule 26B and placing the Joint Resolution in Adjourned Debate not to be considered before Tuesday, February 23, 2021.

**Motion Adopted**

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

**ADJOURNMENT**

At 6:29 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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