

NO. 39

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

THURSDAY, MARCH 17, 2022

Thursday, March 17, 2022
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Philippians 4:8

In Philippians we read: “Finally, beloved, whatever is true, whatever is honorable, whatever is just, whatever is pure, whatever is pleasing, whatever is commendable, if there is any excellence, and if there is anything worthy of praise, think about these things.”

Let us pray: The pressures, O Lord. The pressures and demands. How great indeed are the forces that rest upon the shoulders of these servants of the people, dear God. How unending are the get-this-done-and-soon lists each one carries in his or her head -- and likely also on paper -- all the time. There is always too much to be done, too few available resources, too many individuals to try to please. Nonetheless, loving Lord, we pray that You grant each one of these servants the gift of being able to focus upon what really matters most, as well as those things that are indeed true and honorable and just and genuinely worthy of praise. And may the end results, O God, always bring blessings to the people of South Carolina. To You be the glory, Lord. Amen.

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

Point of Quorum

At 11:04 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Garrett	Grooms

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Harpootlian	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	McElveen	Peeler
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Rhonda Yvonne Edwards, DSL, 22 Maple Street, Ridgeland, SC 29936-6114 *VICE* Sidney J. McDonald

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Rhonda Yvonne Edwards, DSL, 22 Maple Street, Ridgeland, SC 29936-6114

Doctor of the Day

Senator MARTIN introduced Dr. Helen Stockinger of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CLIMER, at 12:17 P.M., Senators GOLDFINCH and GUSTAFSON were granted a leave of absence for today.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

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CO-SPONSORS ADDED

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

S. 141 Sen. Garrett
S. 923 Sen. Kimbrell
S. 1032 Sens. Verdin and Garrett

RECALLED

S. 1169 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CLAUSSEN ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH PAMPLICO HIGHWAY TO ITS INTERSECTION WITH FRANCIS MARION ROAD "CHIEF DEPUTY JOHNNIE ABRAHAM, SR. MEMORIAL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1172 -- Senator Stephens: A SENATE RESOLUTION TO CONGRATULATE MINNIE SUE BROWN CRAIG ON THE OCCASION OF HER NINETY-SEVENTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 1173 -- Senator Turner: A SENATE RESOLUTION TO CONGRATULATE DIRK R. PIEPER FOR BEING THE RECIPIENT OF THE SOUTH CAROLINA MANUFACTURERS ALLIANCE'S 2022 ROGER MILLIKEN DEFENDER OF MANUFACTURING AWARD.

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The Senate Resolution was adopted.

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S. 1174 -- Senators Hutto, K. Johnson, Williams and Stephens: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

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

S. 1175 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5072, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1176 -- Senators Garrett and Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND LANDER UNIVERSITY FOR THE TRANSFORMATIVE IMPACT THE INSTITUTION HAS HAD ON LEGIONS OF STUDENTS AND ALUMNI, THE COMMUNITY, THE STATE OF SOUTH CAROLINA, AND BEYOND FOR A CENTURY AND A HALF AND TO CONGRATULATE LANDER'S STUDENTS, ALUMNI, FACULTY, AND ADMINISTRATION AS THE SCHOOL CELEBRATES ITS SESQUICENTENNIAL ANNIVERSARY.

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The Senate Resolution was adopted.

S. 1177 -- Senator McElveen: A SENATE RESOLUTION TO CONGRATULATE JANN MOORE FOR BEING NAMED THE 2022 SOUTH CAROLINA MANUFACTURERS ALLIANCE WOMAN OF THE YEAR.

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The Senate Resolution was adopted.

S. 1178 -- Senator Climer: A BILL TO AMEND SECTION 39-20-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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SELF-SERVICE STORAGE FACILITIES WRITTEN RENTAL AGREEMENTS, SO AS TO PROVIDE THAT A SELF-SERVICE STORAGE FACILITY OCCUPANT MAY CHOOSE WHERE TO PUBLISH AN ADVERTISEMENT OF SALE INCLUDING CERTAIN PUBLICLY ACCESSIBLE WEBSITES; AND TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR REQUIREMENTS FOR PUBLISHING AN ADVERTISEMENT OF A PUBLIC SALE.

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

S. 1179 -- Senator Shealy: A BILL TO AMEND SECTION 40-63-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SOCIAL WORKERS, SO AS TO DEFINE THE TERM "TELEHEALTH"; TO AMEND SECTION 40-63-290, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS SOCIAL WORKERS, SO AS TO SIMILARLY EXEMPT CERTAIN INDEPENDENT SOCIAL WORKERS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE; TO AMEND SECTION 40-75-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO DEFINE THE TERM "TELEHEALTH"; AND TO AMEND SECTION 40-75-290, AS AMENDED, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO SIMILARLY EXEMPT SUCH PROFESSIONALS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE.

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

S. 1180 -- Senator Fanning: A BILL TO AMEND ACT 525 OF 1982, AS AMENDED, RELATING TO ELECTION OF MEMBERS OF THE CHESTER COUNTY COUNCIL AND THE CHESTER COUNTY

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SCHOOL BOARD OF TRUSTEES, SO AS TO PROVIDE THAT SIX MEMBERS OF THE CHESTER COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO PROVIDE DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS, AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT THAT REQUIRE CERTAIN MEMBERS OF THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES TO BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS DO NOT APPLY TO THE BOARD'S AT-LARGE MEMBER.

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

REPORTS OF STANDING COMMITTEES

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 721 -- Senators Alexander and Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS, BY ADDING SECTION 56-5-100, TO PROVIDE THAT THE IMPLEMENTATION OR USE OF A MOTOR CARRIER SAFETY IMPROVEMENT THAT IS REQUIRED BY A COMPANY ENGAGING IN THE OPERATION OF A COMMERCIAL MOTOR VEHICLE SHALL NOT BE CONSIDERED IN ANY EVALUATION OF AN INDIVIDUAL'S STATUS AS AN EMPLOYEE, JOINT EMPLOYEE, OR INDEPENDENT CONTRACTOR OF THE COMPANY UNDER STATE LAW; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3037 -- Reps. Garvin, Robinson, Cobb-Hunter, Hosey, J.L. Johnson, Matthews, S. Williams, Rivers, Jefferson, R. Williams, Govan and King: 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

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MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS 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.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3729 -- Reps. Sandifer and Cogswell: A BILL TO AMEND SECTION 16-11-760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VEHICLES PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION, SO AS TO PROVIDE THAT ONLY CERTAIN STORAGE COSTS MAY BE CHARGED TO THE OWNER AND LIENHOLDER OF A VEHICLE FOUND PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION; TO AMEND SECTION 29-15-10, RELATING TO LIENS FOR STORAGE, SO AS TO PROHIBIT THE COLLECTION OF STORAGE COSTS BY A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP PRIOR TO THE PERSON SENDING NOTICE TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5630, RELATING TO PAYMENTS FOR THE RELEASE OF ABANDONED VEHICLES, SO AS TO PROVIDE THAT A TOWING COMPANY AND STORAGE FACILITY MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5635, RELATING TO LAW ENFORCEMENT TOWING AND STORAGE PROCEDURES, SO AS TO PROVIDE THAT A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; AND TO AMEND SECTION 56-5-5640, RELATING TO THE SALE OF UNCLAIMED VEHICLES, SO AS TO PROVIDE A REFERENCE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3730 -- Reps. R. Williams, Jefferson, Gilliard and Murray: A BILL TO AMEND SECTION 56-5-2710, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE OBEYING A SIGNAL THAT INDICATES AN APPROACHING TRAIN, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES THAT REQUIRE A DRIVER TO STOP A VEHICLE APPROACHING A RAILROAD GRADE CROSSING.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3889 -- Rep. Hewitt: A BILL TO AMEND SECTION 50-21-860, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON THE USE OF AIRBOATS, SO AS TO PROHIBIT THE OPERATION OF AN AIRBOAT ON CERTAIN RIVERS IN GEORGETOWN AND HORRY COUNTIES DURING THE SEASON FOR HUNTING DUCK.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 4177 -- Reps. Lowe, Pope and Ligon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-3-190 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO HIRE A WATERFOWL PROGRAM MANAGER WITHIN THE WILDLIFE AND FRESHWATER FISHERIES DIVISION, TO PROVIDE CERTAIN DUTIES AND RESPONSIBILITIES FOR THE POSITION; BY ADDING SECTION 50-9-930 SO AS TO ESTABLISH THE WATERFOWL ADVISORY COMMITTEE TO ASSIST IN THE DEVELOPMENT, PROTECTION, AND PROPAGATION OF NATIVE WATERFOWL IN THIS STATE AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE; TO AMEND SECTION 50-9-510, AS AMENDED, RELATING TO MIGRATORY WATERFOWL PERMITS, SO AS TO INCREASE THE FEES FOR MIGRATORY WATERFOWL PERMITS; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE FOR CERTAIN EXPENDITURES FROM THE REVENUES OF RESIDENT AND NONRESIDENT MIGRATORY WATERFOWL PERMITS; AND TO PROVIDE THAT SECTIONS 3 AND 4 OF THIS ACT ARE REPEALED ON JANUARY 1, 2027.

Ordered for consideration tomorrow.

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Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 4319 -- Reps. Calhoun, Huggins, Erickson, McCabe, Henderson-Myers, Crawford, Oremus, Henegan, McGarry, Matthews, Dillard, Allison, Bernstein, McDaniel, Murray, Felder, Bennett, R. Williams, Jefferson, Alexander and Kirby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-88 SO AS TO PROVIDE UPON THE REQUEST OF A PERSON, THE DEPARTMENT OF MOTOR VEHICLES MUST ISSUE A REAL ID COMPLIANT DRIVER'S LICENSE THAT CONTAINS THE PERSON'S NAME AS IT APPEARS ON HIS CURRENT DRIVER'S LICENSE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 4618 -- Reps. Morgan and R. Williams: A BILL TO AMEND SECTION 56-5-2720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING CERTAIN VEHICLES TO STOP BEFORE CROSSING ANY RAILROAD TRACKS, SO AS TO REVISE THE TYPES OF VEHICLES SUBJECT TO THIS SECTION, AND TO DEFINE THE TERM "BUS".

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 4904 -- Rep. Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-90 SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO OBTAIN AND USE SCHEDULE III NONNARCOTICS AND SCHEDULE IV CONTROLLED SUBSTANCES FOR WILDLIFE MANAGEMENT; AND TO AMEND SECTION 47-3-420, RELATING TO METHODS OF ANIMAL EUTHANASIA, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT OF NATURAL RESOURCES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 4906 -- Rep. Hixon: A BILL TO AMEND SECTION 50-11-105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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WILDLIFE DISEASE CONTROL, SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO TAKE ACTION REGARDING WILDLIFE DISEASE CONTROL.

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 4907 -- Rep. Hixon: A BILL TO AMEND SECTION 50-1-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF FRESHWATER GAME FISH, SO AS TO INCLUDE ALL BLACK BASS AND TROUT HYBRIDS; TO AMEND SECTION 50-13-10, RELATING TO DEFINITIONS, SO AS TO DEFINE "LANDING NET (DIP NET)" AND TO ADD BARTRAM'S BASS, ALABAMA BASS, AND TROUT HYBRIDS; TO AMEND SECTION 50-13-80, RELATING TO TAKING FISH BY SNAGGING, SO AS TO PROHIBIT ALL TAKING OF FISH BY SNAGGING; TO AMEND SECTION 50-13-210, RELATING TO DAILY POSSESSION LIMITS, SO AS TO ADD BARTRAM'S BASS AND ALABAMA BASS; TO AMEND SECTION 50-13-310, RELATING TO GAME FISH CAUGHT WITH NETS AND OTHER NONGAME FISHING DEVICES, SO AS TO ALLOW FOR THE TAKING OF GAME FISH WITH A LANDING NET; TO AMEND SECTION 50-13-620, RELATING TO FLOATING MARKERS FOR FISHING DEVICES, SO AS TO REQUIRE THE INSPECTION OR REMOVAL OF A TROTLINE AFTER TWENTY-FOUR HOURS; TO AMEND SECTION 50-13-635, RELATING TO PERMISSIBLE FISHING DEVICES, SO AS TO ALLOW FOR THE USE OF A LANDING NET; TO AMEND SECTION 50-13-670, AS AMENDED, RELATING TO THE POSSESSION OF GAME FISH, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO THE USE OF A LANDING NET; TO AMEND SECTION 50-13-675, AS AMENDED, RELATING TO PERMITTED NONGAME FISHING DEVICES, SO AS TO INCLUDE LANDING NETS, AMONG OTHER THINGS; AND TO AMEND SECTION 50-13-1610, RELATING TO THE PROHIBITION OF THE SALE OR TRAFFIC OF CERTAIN GAME FISH, SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THE TAKING OF FISH FROM THE FRESHWATERS OF THIS STATE.

Ordered for consideration tomorrow.

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Appointments Reported

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

Statewide Appointments

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2018, and to expire April 1, 2022

Piedmont - organ and tissue recipient, family of tissue recipient, and family of donor:

Jason R. Chesney, 115 Summerville Place, Simpsonville, SC 29681-4649 *VICE* Lewis Cooley

Received as information.

Reappointment, Donate Life South Carolina, with the term to commence April 1, 2022, and to expire April 1, 2026

Piedmont - organ and tissue recipient, family of tissue recipient, and family of donor:

Jason R. Chesney, 115 Summerville Place, Simpsonville, SC 29681-4649

Received as information.

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2022, and to expire March 21, 2027

2nd Congressional District:

L. Gregory Pearce, Jr., 810 Hampton Hill Road, Columbia, SC 29209-1024

Received as information.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2021, and to expire September 30, 2024

Occupational Therapist:

Lesly Wilson James, 135 Garden Brooke Dr., Irmo, SC 29063

Received as information.

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

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

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

S. 1157 -- Senator Hutto: A BILL TO AMEND ACT 105 OF 2021, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY SCHOOL DISTRICTS 29 AND 19, SO AS TO PROVIDE THAT IF THE TERM OF AN INCUMBENT MEMBER OF EITHER OF THE TWO PRESENT BOARDS EXPIRES DURING THE DISTRICTS' CONSOLIDATION TRANSITIONAL PERIOD, THEN THE BARNWELL COUNTY LEGISLATIVE DELEGATION MAY REAPPOINT THAT MEMBER FOR A TRUNCATED TERM TO EXPIRE ON JULY 1, 2022.

S. 812 -- Senator Alexander: A BILL TO AMEND CHAPTER 2, TITLE 40 OF THE 1976 CODE, RELATING TO ACCOUNTANTS, TO PROVIDE FOR THE PRACTICE OF CERTIFIED PUBLIC ACCOUNTANTS.

S. 1025 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 44-63-80 OF THE 1976 CODE, RELATING TO CERTIFIED COPIES OF BIRTH CERTIFICATES, TO EXPAND THE DEFINITION OF LEGAL REPRESENTATIVE AND TO ALTER THE PROCESS FOR OBTAINING BIRTH CERTIFICATES.

OBJECTION

S. 712 -- Senators Davis, Kimbrell, Hutto and Garrett: A BILL TO AMEND CHAPTER 111, TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATIONAL SCHOLARSHIPS, BY ADDING ARTICLE 11, TO ESTABLISH THE HEALTHCARE PROFESSIONAL LOAN FORGIVENESS PROGRAM, TO PROVIDE FOR THE ELIGIBILITY, ADMINISTRATION, AND FUNDING OF THE PROGRAM, TO CREATE AN ADVISORY COMMITTEE, AND TO DEFINE NECESSARY TERMS.

Senator CASH objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 1106 -- Senators Peeler, Alexander, Scott and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE

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CAPITAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT IN INCREMENTS OF ONE-HALF OF ONE PERCENT OVER FOUR FISCAL YEARS THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND AND THE MANNER THE SEVEN PERCENT REQUIREMENT MUST BE MAINTAINED; AND PROPOSING ANOTHER AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 36(A), Article III of the Constitution of this State be amended to read:

“(A) The General Assembly shall provide for a General Reserve Fund of ~~five~~ no less than eight percent of the general fund revenue of the latest completed fiscal year. ~~The five percent~~ This requirement shall be achieved by increasing the percentage requirement by a cumulative one-half of one percent of general fund revenue in each fiscal year succeeding the last fiscal year to which the ~~three~~ five percent requirement applied until the percentage of revenue in the General Reserve Fund equals at least the ~~five~~ eight percent requirement, which shall thereafter be maintained. Funds may be withdrawn from the reserve only for the purpose of covering operating deficits of state government. The General Assembly must provide for the orderly restoration of funds withdrawn from the reserve from future revenues and out of funds accumulating in excess of annual operating expenditures.

(1) The General Assembly shall provide by law for a procedure to survey the progress of the collection of revenue and the expenditure of funds and to authorize and direct reduction of appropriations as may be necessary to prevent a deficit.

(2) In the event of a year-end operating deficit, so much of the reserve fund as may be necessary must be used to cover the deficit; and

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the amount must be restored to the reserve fund within five fiscal years out of future revenues until ~~the five~~ at least eight percent, or the applicable percentage amount required to be transferred to the General Reserve Fund, is again reached and maintained. Provided that a minimum of one percent of the general fund revenue of the latest completed fiscal year, if so much is necessary, must be restored to the reserve fund each year following the deficit until ~~the five~~ at least eight percent, or the applicable percentage amount required by general law to be transferred to the General Reserve Fund is restored.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 36(A), Article III of the Constitution of this State be amended so as to increase from five to at least eight percent in increments of one-half of one percent over six fiscal years the amount of state general fund revenue in the latest completed fiscal year required to be held in the General Reserve Fund?

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No.’”

SECTION 3. It is proposed that Section 36(B), Article III of the Constitution of this State be amended to read:

“(B) The General Assembly, in the annual general appropriations act, shall appropriate, out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, into a Capital Reserve Fund, which is separate and distinct from the General Reserve Fund, an amount equal to two percent of the general fund revenue of the latest completed fiscal year.

(1) ~~In any fiscal year in which the General Reserve Fund does not maintain the required percentage of general fund revenue, monies from the Capital Reserve Fund first must be used, to the extent necessary, to fully replenish the General Reserve Fund. The Capital Reserve Fund’s replenishment of the General Reserve Fund is in addition to the replenishment requirement provided in subsection (A)(2) of this section.~~

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~~After the General Reserve Fund is fully replenished to the required percentage, the monies in the Capital Reserve Fund may be appropriated, except that the Capital Reserve Fund must not be used to offset a midyear budget reduction. The General Assembly must provide by law that if before March first the revenue forecast for the current fiscal year projects that revenues at the end of the fiscal year will be less than expenditures authorized by appropriation for that year, then the current year's appropriation to the Capital Reserve Fund first must be reduced to the extent necessary before mandating any reductions in operating appropriations.~~

~~(2) Subsequent to appropriations required by item (1) of this subsection~~ After March first of a fiscal year, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate legislation upon an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch for the following purposes:

(a) to finance in cash previously authorized capital improvement bond projects;

(b) to retire interest or principal on bonds previously issued;

(c) for capital improvements or other nonrecurring purposes.

(3)(a) Any appropriation of monies from the Capital Reserve Fund as provided in this subsection must be ranked in priority of expenditure and is effective thirty days after completion of the fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied to the year-end operating deficit before withdrawing monies from the General Reserve Fund.

(b) At the end of the fiscal year, any monies in the Capital Reserve Fund that are not appropriated as provided in this subsection or any appropriation for a particular project or item which has been reduced due to application of the monies to a year-end deficit must lapse and be credited to the general fund.”

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

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“Must Section 36(B), Article III of the Constitution of this State be amended so as to provide that the first use of the Capital Reserve Fund must be to offset midyear budget reductions?”

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY proposed the following amendment (1106R003.SP.ASM), which was adopted:

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

/ SECTION 1. It is proposed that Section 36(A), Article III of the Constitution of this State be amended to read:

“(A) The General Assembly shall provide for a General Reserve Fund of ~~five~~ no less than eight percent of the general fund revenue of the latest completed fiscal year. ~~The five percent~~ This requirement shall be achieved by increasing the percentage requirement by a cumulative one-half of one percent of general fund revenue in each fiscal year succeeding the last fiscal year to which the ~~three~~ five percent requirement applied until the percentage of revenue in the General Reserve Fund equals at least the five eight percent requirement, which shall thereafter be maintained. Funds may be withdrawn from the reserve only for the purpose of covering operating deficits of state government. The General Assembly must provide for the orderly restoration of funds withdrawn from the reserve from future revenues and out of funds accumulating in excess of annual operating expenditures.

(1) The General Assembly shall provide by law for a procedure to survey the progress of the collection of revenue and the expenditure of funds and to authorize and direct reduction of appropriations as may be necessary to prevent a deficit.

(2) In the event of a year-end operating deficit, so much of the reserve fund as may be necessary must be used to cover the deficit; and the amount must be restored to the reserve fund within five fiscal years out of future revenues until ~~the five~~ at least eight percent, or the

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applicable percentage amount required to be transferred to the General Reserve Fund, is again reached and maintained. Provided that a minimum of one percent of the general fund revenue of the latest completed fiscal year, if so much is necessary, must be restored to the reserve fund each year following the deficit until ~~the five~~ at least eight percent, or the applicable percentage amount required by general law to be transferred to the General Reserve Fund is restored.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 36(A), Article III of the Constitution of this State be amended so as to increase from five to at least eight percent in increments of one-half of one percent over six fiscal years the amount of state general fund revenue in the latest completed fiscal year required to be held in the General Reserve Fund?

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. It is proposed that Section 36(B), Article III of the Constitution of this State be amended to read:

“(B) The General Assembly, in the annual general appropriations act, shall appropriate, out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, into a Capital Reserve Fund, which is separate and distinct from the General Reserve Fund, an amount equal to two percent of the general fund revenue of the latest completed fiscal year.

(1) ~~In any fiscal year in which the General Reserve Fund does not maintain the required percentage of general fund revenue, monies from the Capital Reserve Fund first must be used, to the extent necessary, to fully replenish the General Reserve Fund. The Capital Reserve Fund’s replenishment of the General Reserve Fund is in addition to the replenishment requirement provided in subsection (A)(2) of this section. After the General Reserve Fund is fully replenished to the required percentage, the monies in the Capital Reserve Fund may be appropriated, except that the Capital Reserve Fund must not be used to offset a midyear budget reduction. The General Assembly must provide by law that if before March first the revenue forecast for the current fiscal year projects~~

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that revenues at the end of the fiscal year will be less than expenditures authorized by appropriation for that year, then the current year's appropriation to the Capital Reserve Fund first must be reduced to the extent necessary before mandating any reductions in operating appropriations.

(2) ~~Subsequent to appropriations required by item (1) of this subsection~~ After March first of a fiscal year, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate legislation upon an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch for the following purposes:

- (a) to finance in cash previously authorized capital improvement bond projects;
- (b) to retire interest or principal on bonds previously issued;
- (c) for capital improvements or other nonrecurring purposes.

(3)(a) Any appropriation of monies from the Capital Reserve Fund as provided in this subsection must be ranked in priority of expenditure and is effective thirty days after completion of the fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied to the year-end operating deficit before withdrawing monies from the General Reserve Fund.

(b) At the end of the fiscal year, any monies in the Capital Reserve Fund that are not appropriated as provided in this subsection or any appropriation for a particular project or item which has been reduced due to application of the monies to a year- end deficit must lapse and be credited to the general fund.”

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 36(B), Article III of the Constitution of this State be amended so as to provide that the first use of the Capital Reserve Fund must be to offset midyear budget reductions?

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting

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against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'." /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Resolution.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

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AMENDED, READ THE SECOND TIME

H. 3346 -- Reps. W. Cox, White, Fry, Haddon, Long, Forrest, G.M. Smith, Caskey, Gagnon, Hyde, West, Thayer, Ligon, Daning, Erickson, Bradley, Weeks, B. Newton, McGarry, Carter, Calhoun and Hixon: A BILL TO AMEND SECTION 11-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY GENERAL RESERVE FUND, SO AS TO PROVIDE THAT THE GENERAL RESERVE FUND OF FIVE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR MUST BE INCREASED EACH YEAR BY ONE-HALF OF ONE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR UNTIL IT EQUALS SEVEN PERCENT OF SUCH REVENUES; TO AMEND SECTION 11-11-320, RELATING TO THE STATUTORY CAPITAL RESERVE FUND OF TWO PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, SO AS TO INCREASE IT TO THREE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR; AND TO PROVIDE THAT THE ABOVE PROVISIONS TAKE EFFECT UPON RATIFICATION OF AMENDMENTS TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE PROVIDING FOR THE ABOVE.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY proposed the following amendment (3346R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, on page 2, by striking lines 23 through 30 and inserting:

/ (D) For purposes of this section ‘applicable percentage amount’ means ~~five~~ at least ten percent of general fund revenue of the latest completed fiscal year. ~~The five~~ This percent requirement shall be reached by adding a cumulative one-half of one percent of such revenue in each fiscal year succeeding the last fiscal year to which the ~~three~~ five percent limit applied until the percentage of such revenue equals ~~five~~ at least ten percent which then and thereafter shall apply.”

Amend the bill further, as and if amended, on page 2, by striking line 40 and inserting:

/ equal to two percent of the general /

Amend the bill further, as and if amended, on page 4, by striking lines 11 through 17.

Amend the bill further, as and if amended, on page 5, by striking SECTION 3 and inserting:

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/SECTION 3. (A) The provisions of SECTION 1 of this act take effect upon the ratification of an amendment to Section 36(A), Article III of the Constitution of this State raising the general reserve fund from five percent of general fund revenue of the latest completed fiscal year to at least ten percent of such revenues in the manner provided in the section.

(B) The provisions of SECTION 2 of this act take effect upon the ratification of an amendment to Section 36(B), Article III of the Constitution of this State to allow the Capital Reserve Fund to be used first to offset midyear budget reductions. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

Total--43

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NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED, OBJECTION**

S. 923 -- Senators Turner, Hutto, Peeler, Martin, Climer, Bennett, Talley, Corbin, Senn, Shealy, Loftis, Alexander and Kimbrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-465 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE YOUTH PATRIOTIC SOCIETIES MAY ADDRESS PUBLIC SCHOOL STUDENTS DURING PATRIOTISM WEEK ABOUT HOW INVOLVEMENT IN THE YOUTH PATRIOTIC SOCIETY MAY FURTHER THE EDUCATIONAL INTEREST AND CIVIC INVOLVEMENT OF THE STUDENTS, AND TO PROVIDE RELATED PROCEDURES AND REQUIREMENTS; TO AMEND SECTION 53-3-150, RELATING TO PATRIOTISM WEEK, SO AS TO MAKE OBSERVATION OF PATRIOTISM WEEK IN PUBLIC SCHOOLS MANDATORY INSTEAD OF OPTIONAL, AND TO PROVIDE THIS OBSERVATION MUST INCLUDE TIME ALLOCATED FOR YOUTH PATRIOTIC SOCIETIES TO ADDRESS STUDENTS AS PROVIDED IN THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2022.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\923C001.RT.WAB22), which was adopted:

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

/ SECTION 1. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-465. (A) As used in this section:

(1) ‘Youth patriotic society’ means a youth membership organization with an educational purpose aligned with state standards located in South Carolina and listed herein, intended to promote patriotism and kindred virtues among elementary, middle and high school students:

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- (a) Big Brothers – Big Sisters of America;
- (b) Boy Scouts of America;
- (c) Boys and Girls Clubs of America;
- (d) Future Farmers of America;
- (e) Girl Scouts of the United States of America; or
- (f) other organizations also intended to promote patriotism and

kindred virtues among elementary, middle, or high school students as may be included upon the organization's request and subsequent approval by a majority vote of the State Board of Education.

(2) 'Patriot Day' means the eleventh day of September as provided in Section 53-3-160.

(3) 'Constitution Day' means the seventeenth day of September, as designated by the United States Congress in 2005.

(4) 'Patriotism Week' means the annual Patriotism Week observation in the week that includes the eleventh day of November provided in Section 53-3-150.

(B) The principal of each elementary school, middle school, and high school shall allow representatives of youth patriotic societies, providing notice to the principal and approved pursuant to subsection (C), the opportunity to speak with students during the week of Patriot Day, the week of Constitution Day, or Patriotism Week events to inform the students of how their involvement in the youth patriotic society may further the student's educational interest and civic involvement to improve their schools, communities, and themselves. A youth patriotic society allowed to speak with students pursuant to this section may speak to students for at least ten minutes. A school may observe Constitution Day and Patriot Day during a single event and is not required to:

(1) allocate more than thirty minutes during any one of the above referenced weeks for use by youth patriotic societies under the provisions of this section annually, allocated equally among the requesting youth patriotic societies; or

(2) allow a youth patriotic society to speak pursuant to this section more than once each school year.

(C) A youth patriotic society shall provide thirty days written or verbal notice to the principal of the society's intent to address students pursuant to subsection (B). The principal shall provide verbal or written approval indicating the specific date and time for the society to address the students and the location where the address may occur. Only if no patriotic youth societies request the opportunity to address students during any of the above-referenced weeks shall a school be considered to have fulfilled the requirements of this section if it incorporates the

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curricula pursuant to Section 53-3-150(B)(2) into lesson plans for all students during the applicable week.”

SECTION 2. Section 53-3-150(B) of the 1976 Code is amended to read:

“(B) The State Superintendent of Education shall ~~encourage~~ require school districts to:

(1) observe ‘Patriot Day’, ‘Constitution Day’, and ‘Patriotism Week’ by holding appropriate ceremonies, events, and assemblies on school grounds, including time allotted for youth patriotic society addresses to students as provided in Section 59-1-465; and

(2) develop appropriate curricula that focus on the purposes of ‘Patriot Day’, ‘Constitution Day’, and ‘Patriotism Week’.

SECTION 3. The provisions of this act take effect July 1, 2023. /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

Senator FANNING proposed the following amendment (923MF1):

Amend the bill, as and if amended, SECTION 1, by adding an appropriately numbered subitem to Section 59-1-465 (B) to read:

/ () Nothing in this section requires events to occur during the school day. /

Amend the bill further, as and if amended, SECTION 2, by adding an appropriately numbered subitem to Section 53-3-150(B) to read:

/ () Nothing in this section requires events to occur during the school day. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HUTTO spoke on the amendment.

Senator WILLIAMS objected to further consideration of the Bill.

CARRIED OVER

S. 295 -- Senators Climer, Fanning, Bennett and Allen: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 40 OF THE 1976 CODE,

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RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75 AND SECTION 40-1-77, TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT, TO PROVIDE THAT BOARDS AND COMMISSIONS MUST IDENTIFY CRIMES THAT WOULD LEAD TO AN AUTOMATIC DISQUALIFICATION FROM LICENSURE, TO PROVIDE THAT AN APPLICANT MAY OBTAIN A DETERMINATION FROM THE APPROPRIATE BOARD OR COMMISSION CONCERNING WHETHER HIS PRIOR CRIMINAL CONVICTION IS A DISQUALIFYING CONVICTION, TO PROVIDE NOTICE TO APPLICANTS WHO SEEK SUCH A DETERMINATION, TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS, AND TO DEFINE NECESSARY TERMS.

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 888 -- Senators M. Johnson, Kimbrell, Garrett, Adams, Climer and Young: A BILL TO AMEND CHAPTER 11, TITLE 40 OF THE 1976 CODE, RELATING TO CONTRACTORS, TO PROVIDE FOR A VOLUNTARY CONTRIBUTION TO BE MADE UPON APPLICATION FOR A CONTRACTOR'S LICENSE TO BE APPLIED TO ACCREDITED PUBLIC INSTITUTIONS OF HIGHER LEARNING OFFERING COURSES IN BUILDING SCIENCE OR CIVIL ENGINEERING; TO PROVIDE FOR DISTRIBUTION; AND TO IMPOSE A REPORTING REQUIREMENT.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (888R002.SP.MJ), which was adopted:

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

/SECTION 1. Chapter 11, Title 40 of the 1976 Code is amended by adding:

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“Section 40-11-40. (A)(1) An applicant for a new, reinstatement, or renewal contractor’s license must be given an opportunity in writing to make a voluntary contribution to be distributed to an accredited public institution of higher learning offering degrees in construction science, building science, or civil engineering. The applicant may designate a specific accredited institution to receive the contribution. Undesignated contributions shall be distributed to accredited institutions in a pro rata manner based on the number of full-time equivalent students enrolled in each program at each institution. Any voluntary contribution must be added to the contractor’s license fee and must be transferred to the State Treasurer and credited to the appropriate institution.

(2) By June first of each year, the State Commission on Higher Education shall provide to the department a list of accredited public institutions of higher learning offering degrees in construction science, building science, or civil engineering, and include in the annual report the number of students enrolled in each of these programs for the prior academic year.

(B)(1) Each institution receiving funds pursuant to this section shall utilize the funds to provide or enhance programs related to building science or civil engineering, which shall include, but is not limited to, scholarships, fellowships, research, faculty development, and continuing education programs.

(2) Each institution receiving funds pursuant to this section shall provide an annual report to the department by January thirty-first disclosing the amount of funds received during the prior fiscal year and an accounting of how the funds were utilized.

(C) The department shall retain five percent of the amount to be distributed for administrative expenses associated with the collection and distribution of funds.”

SECTION 2. This act takes effect sixty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

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

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

Ayes 40; Nays 2

AYES

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

Total--40

NAYS

Cash	Rice
------	------

Total--2

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

OBJECTION

S. 935 -- Senators Grooms, Loftis, Goldfinch, Verdin, Rice, Cash, Adams, Climer, Peeler, Garrett, Kimbrell, Davis, Campsen, Hembree, Turner, Corbin, Bennett, Massey, Gambrell, Rankin and Senn: A BILL TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 8, TO PROVIDE FOR THE CREATION OF EDUCATION SCHOLARSHIP ACCOUNTS, TO PROVIDE REQUIREMENTS FOR THE ACCOUNTS, TO CREATE AN EDUCATION SCHOLARSHIP ACCOUNT FUND TO FUND THE SCHOLARSHIPS, AND TO PROVIDE RELATED REQUIREMENTS OF THE EDUCATION OVERSIGHT

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COMMITTEE AND THE DEPARTMENT OF ADMINISTRATION,
AMONG OTHER THINGS.

Senator HEMBREE objected to consideration of the Bill.

AMENDED, CARRIED OVER

S. 976 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-6-513 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO UTILIZE FUNDS AND FEES PAID TO THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY ADDING SECTION 37-6-610 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO CARRY FORWARD CERTAIN FUNDS.

The Senate proceeded to a consideration of the Bill.

Senator JACKSON proposed the following amendment (976DJ1), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 36 and inserting the following:

/ collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120,
and /

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

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

CARRIED OVER

S. 1095 -- Senators Climer, Massey, Verdin, Kimbrell, M. Johnson, McElveen and Fanning: A BILL TO AMEND ARTICLE 1, CHAPTER 119, TITLE 59 OF THE 1976 CODE, RELATING TO CLEMSON UNIVERSITY'S ORGANIZATION, POWERS, PROPERTY, INCOME AND THE LIKE, TO PROVIDE THAT ALL OF THE REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO

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CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the amendment.

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

READ THE SECOND TIME

S. 1117 -- Senator Climer: A BILL TO AMEND ARTICLE 2, CHAPTER 41, TITLE 46 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA GRAIN PRODUCERS GUARANTY FUND, TO EXPAND THE FUND TO INCLUDE COTTON PRODUCERS, TO ADD AN ASSESSMENT ON COTTON, TO INCREASE THE AMOUNT THE FUND MUST ACCUMULATE IN ORDER TO SUSPEND ASSESSMENTS, TO ESTABLISH THE SOUTH CAROLINA AGRICULTURAL COMMODITIES COMMISSION AS A SUCCESSOR TO THE STATE AGRICULTURAL COMMISSION AND TO PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE NEW COMMISSION, AND TO DEFINE NECESSARY TERMS; TO AMEND SECTION 46-41-60 OF THE 1976 CODE, RELATED TO SURETY BONDS FOR LICENSEES, TO PROVIDE THAT THE SURETY BOND VALUE IS BASED UPON A TIERED SYSTEM; AND TO AMEND 46-41-170 OF THE 1976 CODE, RELATED TO PENALTIES, TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

The question then being second reading of the Bill.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

CARRIED OVER

S. 1159 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL MECHANICAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5087, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 1160 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-

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BUILDING CODES COUNCIL, RELATING TO NATIONAL ELECTRICAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5088, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 1161 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL PLUMBING CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5098, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 1162 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL FUEL GAS CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5086, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 1163 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE

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DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL FIRE CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5085, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 1164 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL BUILDING CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5084, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 1165 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL RESIDENTIAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5074, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

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CARRIED OVER

S. 1166 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BOARD OF COSMETOLOGY, RELATING TO EMERGENCY TEMPORARY WORK PERMITS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5034, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

POINT OF ORDER

S. 90 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM “UNDER THE AGE OF SEVENTEEN” TO “UNDER THE AGE OF EIGHTEEN”.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 366 -- Senators Talley, Hutto and Malloy: A BILL TO AMEND SECTION 42-15-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME PERIOD MEDICAL TREATMENT AND SUPPLIES ARE FURNISHED, SO AS TO CLARIFY THAT MEDICAL TREATMENT AND SUPPLIES ARE FURNISHED FOR ANY ADDITIONAL TIME THAT THE JUDGMENT OF THE WORKERS' COMPENSATION COMMISSION ESTABLISHED, BY THE PREPONDERANCE OF EVIDENCE CONTAINED IN THE

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MEDICAL RECORDS OR BY THE OPINION OF A MEDICAL PROVIDER, WILL LESSEN THE PERIOD OF DISABILITY; AND TO AMEND SECTION 42-17-40, RELATING TO THE CONDUCT OF A WORKERS' COMPENSATION COMMISSION HEARING SO AS TO PROVIDE THAT MEDICAL RECORDS AND OPINIONS OF MEDICAL PROVIDERS ARE ADMISSIBLE WITHOUT REGARD TO THE RULES OF EVIDENCE.

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. 471 -- Senators Rankin and Sabb: A BILL TO AMEND SECTION 14-7-1050, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY VOIR DIRE, SO AS TO PROVIDE FOR ATTORNEY CONDUCTED JURY VOIR DIRE BY ORAL AND DIRECT QUESTIONING; TO AMEND SECTION 14-7-1060, RELATING TO THE DRAWING OF A JURY PANEL, SO AS TO PROVIDE THAT THE NUMBER OF JURORS TO BE DRAWN IS WITHIN THE DISCRETION OF THE TRIAL JUDGE; AND TO AMEND SECTION 14-7-1080, RELATING TO THE DRAWING OF A SECOND JURY PANEL, SO AS TO DELETE THE REQUIREMENT THAT THE PANEL MUST BE MADE UP OF TWENTY JURORS.

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. 659 -- Senator Shealy: A BILL TO AMEND SECTION 44-48-40(B) OF THE 1976 CODE, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED RE-ENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; TO AMEND SECTION 44-48-50 OF THE 1976 CODE, RELATING TO THE

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MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; TO AMEND SECTION 44-48-80(D) OF THE 1976 CODE, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; TO AMEND SECTION 44-48-90(B) AND (C) OF THE 1976 CODE, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; TO AMEND SECTION 44-48-100(B) OF THE 1976 CODE, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; TO AMEND SECTION 44-48-110 OF THE 1976 CODE, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL

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HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; TO AMEND CHAPTER 48, TITLE 44 OF THE 1976 CODE, RELATING TO THE SEXUALLY VIOLENT PREDATOR ACT, BY ADDING SECTION 44-48-115, TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; TO AMEND SECTION 44-48-120(B) OF THE 1976 CODE, RELATING TO HEARINGS ORDERED BY A COURT, EXAMINATION BY A QUALIFIED EXPERT, AND THE BURDEN OF PROOF, TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; TO AMEND SECTION 44-48-150 OF THE 1976 CODE, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; TO AMEND SECTION 24-21-32(C) OF THE 1976 CODE, RELATING TO REENTRY SUPERVISION AND REVOCATION, TO PROVIDE THAT CERTAIN INMATES ARE NOT ELIGIBLE FOR SUPERVISED RE-ENTRY UNTIL THE RESOLUTION OF CERTAIN PROCEEDINGS; AND TO DEFINE NECESSARY TERMS.

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. 1031 -- Senators Campsen, Grooms, Senn, Loftis and Verdin: A BILL TO AMEND SECTION 30-5-10 OF THE 1976 CODE, RELATING TO THE OFFICE OF REGISTER OF DEEDS, SO AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF REGISTER OF DEEDS.

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Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 1032 -- Senators Martin, Verdin, Kimbrell and Garrett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-80 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; AND TO REPEAL SECTION 23-6-60 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF SAFETY.

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. 1092 -- Senator Martin: A BILL TO AMEND SECTION 23-23-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPLIANCE AND QUALIFICATION TO LAW ENFORCEMENT OFFICERS AND PERSONS TRAINED BY THE CRIMINAL JUSTICE ACADEMY, AND THE LAW ENFORCEMENT TRAINING COUNCIL'S AUTHORITY TO OVERSEE THE OPERATION OF THE TRAINING OF LAW ENFORCEMENT OFFICERS AND RECEIPT OF CERTAIN INFORMATION FROM GOVERNING BODIES ABOUT CANDIDATES SEEKING CERTIFICATION, SO AS TO PROVIDE DETENTION AND CORRECTIONAL OFFICER CANDIDATES MUST BE AT LEAST EIGHTEEN YEARS OF AGE.

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Point of Order

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

The PRESIDENT sustained the Point of Order.

READ THE SECOND TIME

S. 1167 -- Senator Peeler: A BILL TO AMEND SECTION 7-7-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO REMOVE ARCHAIC LANGUAGE.

The Senate proceeded to a consideration of the Bill.

The question then being second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

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Total--0

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

ADOPTED

S. 1137 -- Senator Hembree: A SENATE RESOLUTION TO COMMEND THE ROTARY CLUB OF LITTLE RIVER FOR ITS EXEMPLARY EFFORTS TO EDUCATE CHILDREN AND THEIR PARENTS ABOUT WATER SAFETY, TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO BECOME BETTER INFORMED ABOUT PREVENTION OF CHILD DROWNINGS AND THE PRACTICE OF WATER SAFETY, AND TO DECLARE SATURDAY, APRIL 2, 2022, AS "JOSH THE OTTER WATER SAFETY DAY" IN SOUTH CAROLINA.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

The Resolution was adopted.

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

MOTION ADOPTED

At 12:40 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CONCURRENCE

S. 947 -- Senators Grooms, Climer and Garrett: A BILL TO AMEND SECTION 56-23-20 OF THE 1976 CODE, RELATING TO DRIVER TRAINING SCHOOLS, TO PROVIDE THAT ASSOCIATIONS FORMED BY GROUPS OF ELECTRIC COOPERATIVES PURSUANT TO SECTION 33-49-160 ARE PERMITTED TO PROVIDE DRIVER EDUCATION TRAINING.

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The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator RICE explained the amendments.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

On motion of Senator RICE, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

CARRIED OVER

S. 1090 -- Senator Massey: A BILL TO AMEND SECTION 41-35-40 OF THE 1976 CODE, RELATING TO AN INSURED WORKER'S WEEKLY BENEFIT AMOUNT, TO PROVIDE THAT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE MUST

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ANNUALLY ADJUST THE MAXIMUM WEEKLY BENEFIT AMOUNT BY AN AMOUNT BY THE RATE OF INFLATION AND TO RETROACTIVELY RATIFY AND AFFIRM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S INTERPRETATION AND EXECUTION OF SECTION 41-35-40 OF THE 1976 CODE.

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

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

S. 133 -- Senators Massey, Gustafson, Rice, Hembree, Kimbrell, Turner, Bennett, Climer, Garrett, Cash, Adams, Verdin, Peeler, Grooms, Young, Campsen, M. Johnson, Talley, Goldfinch, Shealy, Cromer, Senn and Fanning: A JOINT RESOLUTION TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS; TO PROVIDE CERTAIN RESERVATIONS, UNDERSTANDINGS, AND DECLARATIONS LIMITING THE APPLICATION; AND TO PROVIDE CERTAIN SELECTION CRITERIA FOR DELEGATES TO A CONVENTION OF THE STATES AS WELL AS LIMITATIONS UPON THEIR AUTHORITY.

The Senate proceeded to a consideration of the Resolution, the question being the third reading of the Resolution.

There being no further amendments, the Resolution was read the third time, passed and ordered sent to the House of Representatives with amendments.

Recorded Vote

Senator MARTIN desired to be recorded as voting against the third reading of the Resolution.

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

S. 2 -- Senators Peeler, Malloy, McElveen, Hembree, Senn, Kimbrell and Turner: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO RENAME AND REORGANIZE THE CHAPTER AS THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH", TO DELEGATE RESPONSIBILITIES, TO ABOLISH THE DEPARTMENT AND BOARD, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT; TO AMEND CHAPTER 9, TITLE 44, TO CREATE THE DIVISION OF MENTAL HEALTH, TO MAKE CONFORMING CHANGES, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, TO MAKE CONFORMING CHANGES, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 TO TRANSFER THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS HOMES; BY ADDING CHAPTER 57 TO TITLE 46 TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER THE DIVISIONS, OFFICES, AND PROGRAMS THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND APPROPRIATE SECTIONS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND APPROPRIATE SECTIONS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND APPROPRIATE SECTIONS TO MAKE CONFORMING CHANGES; AND TO REPEAL APPROPRIATE SECTIONS.

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

Amendment No. 6

Senator CAMPSEN proposed the following amendment (2R006.GEC), which was withdrawn:

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

/ SECTION 1. On the effective date of this act:

(1) there is created the Department of Behavioral and Public Health;

(2) the divisions, offices, and programs of the Department of Health and Environmental Control that perform health-related functions shall become a division of the Department of Behavioral and Public Health with the director of the department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Behavioral and Public Health;

(3) the divisions, offices, and programs of the Department of Alcohol and Other Drug Abuse Services shall become a division of the Department of Behavioral and Public Health with the director of the department being deemed the head of the division unless otherwise specified, and all powers and duties assigned to the Department of Alcohol and Other Drug Abuse Services being transferred to and devolved upon the Department of Behavioral and Public Health;

(4)(a) except as provided in subitem (b), the divisions, offices, and programs of the Department of Mental Health shall become a division of the Department of Behavioral and Public Health with the director of the department being deemed the head of the division unless otherwise specified, and all powers and duties assigned to the Department of Mental Health being transferred to and devolved upon the Department of Behavioral and Public Health;

(b) the authority to establish, manage, and operate veterans homes shall be transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes being transferred to and devolved upon the Department of Veterans' Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans homes are located, title shall be transferred to the Department of Veterans' Affairs;

(5) there is created the Department of Environmental Services;

(6)(a) except as provided in subitem (b), the divisions, offices, and programs of the Department of Health and Environmental Control that perform functions related to regulation and protection of the environment shall become divisions, offices, and programs of the Department of Environmental Services with the director of the department being deemed the head of the divisions, offices, and programs unless otherwise specified, and all relevant powers and duties assigned to the Department

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of Health and Environmental Control being transferred to and devolved upon the Department of Environmental Services;

(b) the food safety program in the Division of Food and Lead Risk Assessment and the Milk and Dairy Lab of the Department of Health and Environmental Control shall become a division of the Department of Agriculture with the director of that department being deemed the head of the division unless otherwise specified, and all relevant powers and duties assigned to the Department of Health and Environmental Control being transferred to and devolved upon the Department of Agriculture;

(7) the flood mitigation program of the Department and Natural Resources shall become a program of the Office of Resilience and all relevant powers and duties assigned to the Department of Natural Resources being transferred to and devolved upon the Office of Resilience; and

(8) the South Carolina Department of Alcohol and Other Drug Abuse Services, South Carolina Mental Health Commission, the South Carolina Department of Mental Health, the South Carolina Department of Health and Environmental Control, and the South Carolina Board of Health and Environmental Control shall be abolished. /

Amend the bill further, as and if amended, by striking SECTION 37.

Amend the bill further, as and if amended, by striking SECTION 56 and inserting:

/ Section 49-6-30 of the 1976 Code is amended to read:

“Section 49-6-30. There is hereby established the South Carolina Aquatic Plant Management Council, hereinafter referred to as the council, which shall be composed of ~~ten~~ nine members as follows:

~~1-~~(1)The council shall include one representative from each of the following agencies, to be appointed by the chief executive officer of each agency:

(a) Water Resources Division of the Department of Natural Resources;

~~(b) South Carolina Department of Health and Environmental Control;~~

~~(c)~~ (e) Wildlife and Freshwater ~~Fish~~ Fisheries Division of the Department of Natural Resources;

~~(d)~~(c) South Carolina Department of Agriculture;

~~(e)~~(d) Coastal Division of the Department of ~~Health and Environmental Control~~ Environmental Services;

~~(f)~~(e) South Carolina Public Service Authority;

~~(g)~~(f) Land ~~Resources~~ and Conservation Districts Division of the Department of Natural Resources;

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~~(h)~~(g) South Carolina Department of Parks, Recreation and Tourism; and

~~(i)~~(h) Clemson University, Department of Fertilizer and Pesticide Control.

~~2.~~(2) The council shall include one representative from the Governor's Office, to be appointed by the Governor.

~~3.~~(3) The representative of the Water Resources Division of the Department of Natural Resources shall serve as chairman of the council and shall be a voting member of the council.

The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities." /

Amend the bill further, as and if amended, by striking SECTION 60(B).

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

/ SECTION (). Title 49 of the 1976 Code is amended by adding:

"CHAPTER 8

Water Resources Planning and Coordination Act

Section 49-8-10. This chapter may be cited as the South Carolina Water Resources Planning and Coordination Act.

Section 49-8-20. (A) As used in this chapter:

(1) 'Department' means the Department of Natural Resources.

Section 49-8-30. (A) The department shall advise and assist the Governor and the General Assembly in:

(1) formulating and establishing a comprehensive water resources policy for the State, such as a State Water Plan, including coordination of policies and activities among the state departments and agencies;

(2) developing and establishing policies and proposals designed to meet and resolve special problems of water resource use and control within or affecting the State, including consideration of the requirements and problems of urban and rural areas;

(3) reviewing the actions and policies of state agencies with water resource responsibilities to determine the consistency of such actions and policies with the comprehensive water policy of the State and recommending appropriate action where deemed necessary;

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(4) reviewing any project, plan, or program of federal aid affecting the use or control of any waters within the State and recommending appropriate action where deemed necessary;

(5) developing policies and recommendations to assure that the long-range interests of all urban, suburban, and rural groups are provided for in the State's representation of interstate water issues;

(6) recommending to the General Assembly any changes of law or regulation required to implement the policy declared in this chapter; and

(7) such other water resources planning, policy formulation, and coordinating functions as the Governor and the General Assembly may designate.

(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys, or analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the implementation of the policy declared in this chapter and in developing recommendations for the General Assembly. For these purposes, the department shall have full access to the relevant records of other state departments, agencies, and political subdivisions of the State, may hold public hearings, and may cooperate with or contract with any public or private agency, including educational, civic, and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research, and studies of federal, state, interstate, regional, metropolitan, and local units, agencies, and departments of government.

(C) In developing recommendations for the Governor and the General Assembly relating to the use and control of the water resources of the State, the department shall:

(1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes, and reports of all state agencies concerned with water resources;

(2) consult with representatives of any federal, state, interstate, or local units of government that would be affected by such recommendations; and

(3) be authorized to appoint such interdepartmental and public advisory boards as necessary to advise them in developing policies for recommendations to the Governor and the General Assembly.

(D) The department shall encourage, assist, and advise regional, metropolitan, and local governmental agencies, officials, or bodies responsible for planning in relation to water aspects of their programs and shall assist in coordinating local and regional water resources activities, programs, and plans.

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(E) The department may publish reports, including the results of such studies, inquiries, surveys, and analyses as may be of general interest, and shall make an annual report of its activities to the Governor and the General Assembly within ten days after the convening of each session of the General Assembly.

(F) The department may receive and expend grants, gifts, and monies donated or given by any state, federal, or private agency, person, corporation, water, or sewer authority or political subdivision in connection with water resource investigations in which the results of such investigations will be made publicly available.

(G)(1) The department is authorized and required to review and approve the expenditure of funds derived from the United States Army Corps of Engineers when any funds are authorized and appropriated for any water resource-related projects or purposes, including, but not limited to:

- (a) navigation;
- (b) irrigation;
- (c) water storage;
- (d) aquatic weed management;
- (e) flood control;
- (f) salinity control;
- (g) interstate water concerns; and
- (h) any studies, surveys, or analyses performed by the Corps of Engineers.

Engineers.

(2) The review and approval required by this subsection is not applicable to any Corps of Engineers funds, which must be expended in a different manner pursuant to express statutory direction.

Section 49-8-40. (A) In exercising its responsibilities under this chapter, the department shall take into consideration the need for:

(1) adequate supplies of surface water and groundwater of suitable quality for all uses, including domestic, municipal, agricultural, and industrial;

- (2) water of suitable quality for all purposes;
- (3) water availability for recreational and commercial needs;
- (4) hydroelectric power;
- (5) flood damage control or prevention measures including zoning to protect people, property, and productive lands from flood losses;
- (6) land stabilization measures;
- (7) drainage measures, including salinity control;
- (8) watershed protection and management measures;
- (9) outdoor recreational and fish and wildlife opportunities;

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(10) studies on saltwater intrusion into groundwater and surface water;

(11) measures to protect the State's fisheries and other aquatic resources; and

(12) any other means by which development of water and related land resources can contribute to economic growth and development, the long-term preservation of water resources, and the general well-being of all the people of the State.” /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator CAMPSER with unanimous consent, Amendment No. 6 was withdrawn.

Amendment No. 8

Senator DAVIS proposed the following amendment (2R003.SP.TD), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-1-70 and inserting:

/ Section 44-1-70. All ~~rules and~~ regulations promulgated by the ~~Board~~ department in accordance with this chapter are subject to the provisions of the Administrative Procedures Act ~~shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation.~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Amendment No. 11A

Senators HUTTO and MASSEY proposed the following amendment (2R007.SP.CBH), which was adopted:

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

/ SECTION __. Section 1-23-600(H) of the 1976 Code is amended to read:

“(H)(1) This subsection applies to ~~timely requests for a contested case hearing pursuant to this section of~~ decisions by departments

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~~governed by a board or commission authorized to exercise the sovereignty of the State the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.~~

(2) ~~Any decisions requiring a public hearing by the Department of Environmental Services are automatically stayed for five days. A party seeking to continue the automatic stay must file a motion to continue the automatic stay together with a request for a contested case hearing for an agency order stays the order prior to the automatic stay's expiration. A request for a contested case hearing for an order decision to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing activity stays the renewed license, the previous license remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may are not be stayed by the filing of the request. If the request is filed for a decision is concerning a subsequent license related to issues substantially similar to those considered in a previously licensed matter, then the license may is not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the Administrative Law Court. Requests for contested case hearings challenging only the amount of fines or penalties must be considered not to affect those portions of such orders imposing substantive requirements.~~

(3) ~~The general rule of item (2) does not stay emergency actions taken by an agency pursuant to an applicable statute or regulation.~~

(4)(3)(a) ~~Ninety days after a contested case is initiated before the Administrative Law Court, If a party may move before the presiding administrative law judge to lift moves to continue the automatic stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A then a hearing must be held within thirty days after any party files a the motion is filed with the court and serves the motion served upon the parties. The automatic stay shall remain in effect until the Administrative Law Court makes a determination about whether to the continue the automatic stay. The court shall lift continue the automatic stay unless if the moving party that requested a contested case hearing proves shows: (i) the likelihood of~~

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irreparable harm if the automatic stay is lifted, (ii) the substantial likelihood that the moving party ~~requesting the contested case and stay~~ will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the automatic stay, and (iv) continuing the automatic stay serves the public interest. The judge must issue an order no later than fifteen business days after the hearing is concluded. If the automatic stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to ~~lift~~ continue a stay as provided in this item does not apply to a contested case concerning a permit or license involving hazardous waste as defined in Section 44-56-20(6); ~~and a~~ An automatic stay in such a contested case concerning a permit or license involving hazardous waste must not be lifted continued until the contested case is concluded and the Administrative Law Court has filed its final order in the matter.

(b) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.

~~(5)~~(4) A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court, ~~or the Court of Appeals, or the Supreme Court.~~

~~(6)~~(5) Nothing contained in this subsection constitutes a limitation on the authority of the Administrative Law Court to impose a stay as otherwise provided by statute or by rule of court." /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Amendment No. 5

Senator HUTTO proposed the following amendment (2R001.SP.CBH), which was withdrawn:

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

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/ SECTION __. Section 1-23-600(H) of the 1976 Code is amended to read:

“(H)(1) This subsection applies to timely requests for a contested case ~~hearing pursuant to this section of~~ hearings for decisions by ~~departments governed by a board or commission authorized to exercise the sovereignty of the State~~ the Department of Environmental Services. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.

(2) All decisions by the Department of Environmental Services are automatically stayed for thirty days. A party seeking to continue the automatic stay must file a motion to continue the automatic stay together with a request for a contested case hearing for an agency order stays the order. A request for a contested case hearing for an order decision to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing activity stays the renewed license, the previous license remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may are not be stayed by the filing of the request. If the request is filed for a decision is concerning a subsequent license related to issues substantially similar to those considered in a previously licensed matter, then the license may is not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the Administrative Law Court. Requests for contested case hearings challenging only the amount of fines or penalties must be considered not to affect those portions of such orders imposing substantive requirements.

(3) ~~The general rule of item (2) does not stay emergency actions taken by an agency pursuant to an applicable statute or regulation.~~

(4)(3)(a) ~~Ninety days after a contested case is initiated before the Administrative Law Court, If a party may move before the presiding administrative law judge to lift~~ moves to continue the automatic stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A then a hearing must be held within thirty days after any party files a the motion is filed with the court and serves the motion served upon the parties. The automatic stay shall remain in effect until the Administrative Law Court makes a

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~~determination about whether to the continue the automatic stay. The court shall lift continue the automatic stay unless if the moving party that requested a contested case hearing proves shows:~~ (i) the likelihood of irreparable harm if the automatic stay is lifted, (ii) the substantial likelihood that the moving party ~~requesting the contested case and stay~~ will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the automatic stay, and (iv) continuing the automatic stay serves the public interest. The judge must issue an order no later than fifteen business days after the hearing is concluded. If the automatic stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to ~~lift~~ continue a stay as provided in this item does not apply to a contested case concerning a permit or license involving hazardous waste as defined in Section 44-56-20(6), ~~and a~~ An automatic stay in such a contested case concerning a permit or license involving hazardous waste must not be lifted continued until the contested case is concluded and the Administrative Law Court has filed its final order in the matter.

(b) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.

~~(5)(4)~~ A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court, ~~or~~ the Court of Appeals, or the Supreme Court.

~~(6)(5)~~ Nothing contained in this subsection constitutes a limitation on the authority of the Administrative Law Court to impose a stay as otherwise provided by statute or by rule of court." /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator HUTTO with unanimous consent, Amendment No. 5 was withdrawn.

Amendment No. 4

Senator FANNING proposed the following amendment (VR\2C014.RT.VR22), which was withdrawn:

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Amend the bill, as and if amended, SECTION 1, beginning on page [2-1], by striking items (1) and (5) and inserting:

/ (1) there is created the Department of Behavioral and Public Health, governed by a Board of Behavioral and Public Health;

(5) there is created the Department of Environmental Services, governed by a Board of Environmental Services; /

Amend the bill, as and if amended, SECTION 2, beginning on page [2-3], by striking Article 1, Chapter 1, Title 44 and inserting:

/ Article 1

General Provisions

Section 44-1-10. There is created the Department of Behavioral and Public Health comprised of:

(1) the Division of Public Health;

(2) the Division of Alcohol and Other Drug Abuse Services; and

(3) the Division of Mental Health.

~~Section 44-1-20. There is created the South Carolina Department of Health and Environmental Control which~~ The department shall be administered under the supervision of the South Carolina Board of Behavioral and Public Health ~~and Environmental Control~~. The board shall consist of ~~eight~~ ten members, one from each congressional district, and ~~one~~ three from the State at large to be appointed by the Governor, upon the advice and consent of the Senate, one of whom must have expertise in mental health and one of whom must have expertise in substance use disorders. The member who is appointed at large, not based on expertise in mental health or substance use disorders, shall serve as the chairman of the board. The Governor may remove the chairman of the board pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their successors are appointed and qualify. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. In making these appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

Section 44-1-30. The Board shall meet at least quarterly and the members shall receive such compensation for their services as is provided by law for members of boards and commissions.

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Section 44-1-40. The board shall select a director for the department who shall serve a four-year term and who shall have such authority and perform such duties as may be directed by the board. The salary of the director shall be fixed by the board, upon approval of the State Budget and Control Board. For any vacancy occurring in the office of director on or after February 1, 1995, the board, after consultation with and approval by the Governor, must submit the name of its appointee to the Senate for the Senate's advice and consent. On or after February 1, 1995, the board may remove a director only after consultation with and approval by the Governor.

Section 44-1-50. The board may conduct such administrative reviews as may be required by law, as considered necessary by the board to render a final agency determination in matters involving the issuance, denial, renewal or revocation of permits, licenses, or other actions of the department which may give rise to a contested case pursuant to Chapter 23 of Title 1.

The board shall provide for the administrative organization of the department and shall consolidate and merge existing duties, functions, and officers of the former agencies as may be necessary for economic and efficient administration. Provided, however, that the board may appoint such advisory boards as it considers necessary to carry out the functions of Sections 44-1-10 to 44-1-70, and there shall be provided a compensation for their services as provided by the law for members of boards and commissions.

Section 44-1-60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, ~~except a decision to establish a baseline or setback line,~~ must be made using the procedures set forth in this section. ~~A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65.~~

(B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

(C) The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.

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(D) In making a staff decision on any permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such a permit, license, certification or other approval. At the time that such staff decision is made, the department shall issue a department decision, and shall base its department decision on the administrative record, which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department decision need not be issued for routine permits for which no adverse public comments have been received.

(E)(1) Notice of a department decision must be sent by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of staff decisions for which a department decision is not required pursuant to subsection (D) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.

(3) The filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses.

(F) No later than sixty calendar days after the date of receipt of a request for final review, a final review conference must be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. If the board declines in writing to schedule a final review conference or if a final review conference is not conducted within sixty calendar days, the staff decision becomes the final agency decision,

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and an applicant, permittee, licensee, or affected person requests pursuant to subsection (G) a contested case hearing before the Administrative Law Court. The department shall set the place, date, and time for the conference; give the applicant and affected persons at least ten calendar days' written notice of the conference; and advise the applicant that evidence may be presented at the conference. The final review conference must be held as follows:

(1) Final review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the moving party. During the course of the final review conference, the staff must explain the staff decision and the materials relied upon in the administrative record to support the staff decision. The applicant or affected party shall state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. The staff may rebut information and arguments presented by the applicant or affected party and the applicant or affected party may rebut information and arguments presented by the staff. Any final review conference officer may request additional information and may question the applicant or affected party, the staff, and anyone else providing information at the conference.

(2) After the final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the final review conference. Within thirty calendar days after the receipt of the decision, an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the final agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or affected person must be notified of their right to request a transcript of the proceedings of the final review

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conference. If a transcript is requested, the applicant, permittee, licensee, or affected person making the request is responsible for all costs.

(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:

(1) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or

(2) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or

(3) the final agency decision resulting from the final review conference is received by the parties.

(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final review process.

(I) The department may promulgate regulations providing for procedures for final reviews.

(J) Any statutory deadlines applicable to permitting and licensing programs administered by the department must be extended to all for this final review process. If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

~~Section 44-1-65. (A) In making a staff decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 44-1-60(D), or if the department conducts a final review conference related to a decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 44-1-60(F), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.~~

~~(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:~~

~~(1) only an applicant, permittee, licensee, or affected person may request a final review conference pursuant to Section 44-1-60(F);~~

~~(2) only an affected person may request a contested case hearing pursuant to Section 44-1-60(G);~~

~~(3) only an applicant, permittee, licensee, or affected person may become a party to a final review conference;~~

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~~(4) only an affected person may become a party to a contested case hearing; and~~

~~(5) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.~~

~~(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application, including, but not limited to, the construction of a residence.~~

~~(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person has seventy two hours to provide in writing a withdrawal or rescission of the waiver.~~

~~(D)(1) An applicant, permittee, licensee, or affected person who has exhausted all administrative remedies within the department relating to a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, and who is aggrieved by a final decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.~~

~~(2) Notwithstanding any other provision of law, a final decision to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, may not be contested if the proposed building footprint is located eight hundred feet or more from the facility owner's property line or located one thousand feet or more from an adjacent property owner's residence.~~

~~(E) For purposes of this section, "affected person" means a property owner with standing within a one mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the~~

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~~permitting of poultry facilities and other animal facilities, other than swine facilities.~~

Section 44-1-70. All ~~rules and~~ regulations promulgated by the Board shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation. /

Amend the bill further, as and if amended, SECTION 2, page [2-52], by striking Sections 49-3-20 and 49-3-30 and inserting:

/ Section 49-3-20. (A) There Department of Environmental Services shall be administered under the supervision of the South Carolina Board of Environmental Services. The board shall consist of eight members, one from each congressional district, and one from the State at large to be appointed by the Governor, upon the advice and consent of the Senate. The member who is appointed at large shall serve as the chairman of the board. The Governor may remove the chairman of the board pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their successors are appointed and qualify. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. In making these appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

(B) The Board shall meet at least quarterly and the members shall receive such compensation for their services as is provided by law for members of boards and commissions.

(C) The board shall select a director for the department who shall serve a four-year term and who shall have such authority and perform such duties as may be directed by the board. The salary of the director shall be fixed by the board, upon approval of the State Fiscal Accountability Authority. For any vacancy, the board, after consultation with and approval by the Governor, must submit the name of its appointee to the Senate for the Senate's advice and consent. The board may remove a director only after consultation with and approval by the Governor.

(D) The board may conduct such administrative reviews as may be required by law, as considered necessary by the board to render a final

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agency determination in matters involving the issuance, denial, renewal or revocation of permits, licenses, or other actions of the department which may give rise to a contested case pursuant to Chapter 23 of Title 1.

(E) The board shall provide for the administrative organization of the department and shall consolidate and merge existing duties, functions, and officers of the former agencies as may be necessary for economic and efficient administration. Provided, however, that the board may appoint such advisory boards as it considers necessary to carry out the functions of this chapter, and there shall be provided a compensation for their services as provided by the law for members of boards and commissions. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator FANNING with unanimous consent, Amendment No. 4 was withdrawn.

The question then was third reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

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Total--43

NAYS

Total--0

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

LOCAL APPOINTMENTS

Confirmations

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

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Rhonda Yvonne Edwards, DSL, 22 Maple Street, Ridgeland, SC 29936-6114 *VICE* Sidney J. McDonald

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Rhonda Yvonne Edwards, DSL, 22 Maple Street, Ridgeland, SC 29936-6114

Motion Adopted

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

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Theresa W. Cleveland of Seneca, S.C. Theresa was a retired administrative assistant with Clemson University where she proudly worked for 29 years. She was a member of St. Mark United Methodist Church and a member of the Tri-County Advisory Board. Theresa was a loving wife and devoted sister who will be dearly missed.

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ADJOURNMENT

At 1:03 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

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