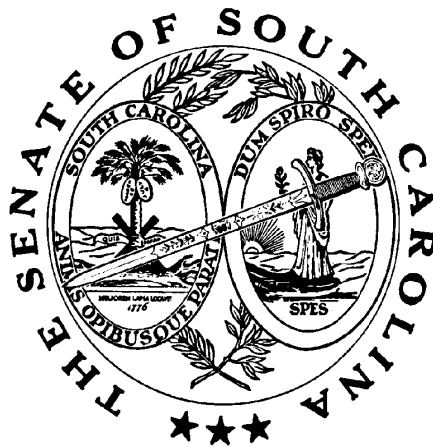


NO. 9

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

TUESDAY, JANUARY 24, 2023

Tuesday, January 24, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 136:1

The Psalmist declares: "O give thanks to the Lord, for he is good, for his steadfast love endures forever."

Let us pray: It is an easy trap to fall into, O God: feeling overwhelmed by all the issues that loom before this Body, the challenges that have to be resolved, the struggles which clearly need to be faced. So in recognition of all of those things, how reassuring it is that Your love, dear Lord, is a steadying, comforting power. And by Your grace may each Senator and every staff member who trusts in You come to feel genuinely positive about the future for our State, ever thankful for the blessings which are all around us, and more determined than ever to do his or her very best for the good people they serve. And as always, dear God, we ask that You will continue to bless our women and men in uniform. In Your loving name we pray, Lord. Amen.

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

Point of Quorum

At 12:06 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Fanning
Garrett	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell

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Loftis	Malloy	Martin
Massey	Peeler	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Privilege of the Chamber

On motion of Senators JACKSON and SHEALY, on behalf of Senator SETZLER, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to the family of Senator NIKKI SETZLER in honor and recognition of being the longest serving state Senator in the Nation.

S. 428 -- Senators Jackson, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A RESOLUTION TO RECOGNIZE AND HONOR SENATOR NIKKI GILES SETZLER FOR HIS EXEMPLARY RECORD OF SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA AND FOR BECOMING THE LONGEST-SERVING STATE SENATOR CURRENTLY HOLDING OFFICE IN THE NATION.

smin-0047mw-mw23.docx : fb79d92d-ea94-436d-bd70-16035634a3e9

The Senate Resolution was adopted.

Senator JACKSON spoke on the Resolution.

Senator SHEALY spoke on the Resolution.

Senator SENN spoke on the Resolution.

Senator PEELER spoke on the Resolution.

Senator SETZLER spoke on the Resolution.

Remarks to be Printed

On motion of Senator CLIMER, with unanimous consent, the remarks of Senators JACKSON, SHEALY, SENN, PEELER, and SETZLER,

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when reduced to writing and made available to the Desk, would be printed in the Journal.

RECESS

At 12:33 P.M., on motion of Senator SABB, the Senate recessed from business until 12:43 P.M.

At 12:41 P.M., the Senate resumed.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 5167

Agency: State Election Commission

Chapter: 45

Statutory Authority: 1976 Code Sections 7-13-1490 and 7-13-1655

SUBJECT: Voting Systems

Received by President of the Senate January 24, 2023

Referred to Committee on Judiciary

Doctor of the Day

Senator SCOTT introduced Drs. Patricia Witherspoon and Dickerson of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator FANNING, at 12:59 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator SENN, at 1:00 P.M., Senators MATTHEWS and HARPOOTLIAN were granted a leave of absence for today.

Leave of Absence

On motion of Senator SABB, at 2:59 P.M., Senators SCOTT and ALLEN were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MASSEY, at 2:59 P.M., Senator MARTIN was granted a leave of absence for today.

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CO-SPONSORS ADDED

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

S. 3 Sen. K. Johnson
S. 99 Sen. Kimbrell
S. 109 Sen. Rice
S. 130 Sen. Kimbrell
S. 171 Sen. Kimbrell
S. 178 Sen. Kimbrell
S. 248 Sen. Kimbrell
S. 249 Sen. Kimbrell
S. 285 Sen. Grooms
S. 367 Sen. Senn
S. 375 Sen. Senn
S. 380 Sens. Hutto, Jackson
S. 381 Sen. Malloy
S. 418 Sen. Turner
S. 424 Sen. Rice

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 429 -- Senators Garrett and Gambrell: A RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF ELEANOR ANNE THOMPSON WIDEMAN OF GREENWOOD COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

lc-0184wab-wab23.docx : 3500b668-e407-4dc9-a523-711ff987569b

The Senate Resolution was adopted.

S. 430 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE COUNCIL OF STATE GOVERNMENTS SOUTHERN OFFICE UPON THE OCCASION OF ITS SEVENTY-SEVENTH SOUTHERN LEGISLATIVE CONFERENCE AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF

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DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF
SOUTH CAROLINA.

sr-0218km-vc23.docx : 9901a955-45fe-4b9a-95f1-179e13cf3f02

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

S. 431 -- Senators Garrett and Gambrell: A RESOLUTION TO
HONOR PAMELA METTS OF GREENWOOD UPON THE
OCCASION OF HER RETIREMENT FROM THE SOUTH
CAROLINA JUDICIAL DEPARTMENT AND TO WISH HER
SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0183wab-wab23.docx : 1eec8c35-8f63-4f43-bb56-2da894b41209

The Senate Resolution was adopted.

S. 432 -- Senator Alexander: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-600,
RELATING TO ASSAULT AND BATTERY, SO AS TO PROVIDE
THAT A PERSON WHO UNLAWFULLY INJURES A HEALTH
CARE PROFESSIONAL DURING THE COURSE OF HIS DUTIES
OR INJURES A PERSON IN A HEALTH CARE FACILITY
COMMITTS THE OFFENSE OF ASSAULT AND BATTERY OF A
HIGH AND AGGRAVATED NATURE, AND TO PROVIDE
PENALTIES.

sr-0203km23.docx : 7c97642e-3216-4cd0-9c28-1305b9ccdb67

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

S. 433 -- Senator Alexander: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-
250(A)(1), RELATING TO HOMESTEAD EXEMPTION FOR
TAXPAYERS SIXTY-FIVE AND OVER OR THOSE TOTALLY
AND PERMANENTLY DISABLED OR LEGALLY BLIND, SO AS
TO PROVIDE THE HOMESTEAD EXEMPTION FOR TAXPAYERS
WHO ARE DEAF.

sr-0204km23.docx : 01e8d32e-0761-4027-82fe-fafb24de6cd0

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

S. 434 -- Senator Alexander: A BILL TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY ADDING SECTION 38-78-55 SO
AS TO PROVIDE THAT NO CLAUSE OF A SERVICE CONTRACT
WHICH STATES THAT THE TERM OF THE CONTRACT SHALL
BE DEEMED RENEWED FOR A SPECIFIED ADDITIONAL
PERIOD, UNLESS THE SERVICE CONTRACT HOLDER GIVES

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NOTICE TO THE PROVIDER OF HIS INTENTION TO TERMINATE THE CONTRACT AT THE EXPIRATION OF THE TERM, SHALL BE ENFORCEABLE AGAINST THE SERVICE CONTRACT HOLDER.

sr-0206km23.docx : 19d1ec0c-80d7-4663-be1a-c013614e20ec

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

S. 435 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 15, RELATING TO CIVIL REMEDIES AND PROCEDURES, BY ADDING CHAPTER 76, TO LIMIT THE LIABILITY OF A CERTAIN INDIVIDUAL WHO PROVIDES VOLUNTEER TRANSPORTATION TO A SENIOR CITIZEN FOR INJURIES OR LOSSES TO THE SENIOR CITIZEN AND TO THE SENIOR CITIZEN'S SPOUSE, FAMILY MEMBERS, OR HEIRS AND ASSIGNS; TO PROVIDE EXCEPTIONS TO LIABILITY LIMITS IF THE INJURIES OR LOSSES ARE THE RESULT OF THE VOLUNTEER'S GROSS NEGLIGENCE OR OTHER MISCONDUCT; AND FOR OTHER PURPOSES.

sr-0205km23.docx : d0dbd666-d3bd-462c-94d5-955d68c314d6

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

S. 436 -- Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31-1-900 SO AS TO ESTABLISH THE HEIRS' PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS' PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

sr-0223km23.docx : 365db9e1-37b5-4099-9c09-130c5b5f02d6

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

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S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

sr-0215km-vc23.docx : a2069dd1-6c64-4c1f-9f19-488df0cfb5bd

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

S. 438 -- Senator Cromer: A RESOLUTION TO RECOGNIZE AND HONOR SKILLSUSA FOR ITS EFFORTS TO ENSURE THAT AMERICA HAS A SKILLED WORKFORCE AND TO DECLARE FEBRUARY 6-10, 2023, AS "SKILLSUSA WEEK" IN SOUTH CAROLINA.

lc-0197cm-gm23.docx : 903d955e-ca1e-4ce3-9be2-2aacedc1ec98

The Senate Resolution was introduced and ordered placed on the Calendar without reference.

S. 439 -- Senators Kimbrell, Martin, Climer, Loftis, Corbin, Rice, Grooms and Alexander: A RESOLUTION TO REQUEST THAT THE ATTORNEY GENERAL INITIATE OR JOIN EXISTING LITIGATION CHALLENGING THE CONSTITUTIONALITY OF THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS' NEW REGULATION RELATED TO STABILIZING BRACES IN ORDER TO PROTECT THE SECOND AMENDMENT RIGHTS OF ALL SOUTH CAROLINIANS.

sr-0233km-vc23.docx : 340d2634-f739-401f-bef0-7e0b78f7ffd4

Senator KIMBRELL spoke on the Resolution.

Remarks to be Printed

On motion of Senator CLIMER, with unanimous consent, the remarks of Senator KIMBRELL, when reduced to writing and made available to the Desk, would be printed in the Journal.

The Senate Resolution was introduced and referred to the Committee on Judiciary.

S. 440 -- Senators Corbin, Shealy, Talley, Gambrell, Goldfinch, Climer, Loftis, Gustafson, Cromer, Cash, Rice, Adams and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SECOND AMENDMENT PROTECTION

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ACT"; AND BY ADDING SECTION 25-1-80 SO AS TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UNORGANIZED MILITIA.

sr-0227km23.docx : bac736db-a970-4a21-b679-3b1187359bcd

Read the first time and referred to the Committee on Family and Veterans' Services.

S. 441 -- Senators Garrett and Gambrell: A RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE LEISA HOTCHKISS, MAGISTRATE IN THE GREENWOOD COUNTY MAGISTRATE'S OFFICE, UPON THE OCCASION OF HER RETIREMENT AFTER THIRTY YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0193sa-jn23.docx : 363a19df-db82-430e-83da-af161f1f06c9

The Senate Resolution was adopted.

S. 442 -- Senators Garrett and Gambrell: A RESOLUTION TO RECOGNIZE AND HONOR THE NINETY SIX HIGH SCHOOL MARCHING BAND, BAND DIRECTOR, AND SCHOOL OFFICIALS FOR ANOTHER REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

lc-0145ph-jn23.docx : b603b2ec-3a84-475f-b917-79c85c092616

The Senate Resolution was adopted.

S. 443 -- Senators Garrett and Gambrell: A RESOLUTION TO RECOGNIZE AND HONOR ED CARTER, BATTALION CHIEF OF THE CITY OF GREENWOOD FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-FOUR YEARS OF DEDICATED SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0192sa-jn23.docx : 509a989f-6920-4ab8-8d32-246d6c4e28de

The Senate Resolution was adopted.

H. 3604 -- Reps. Bannister, G. M. Smith and Murphy: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CONTINGENCY RESERVE FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021,

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AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

lc-0149sa23.docx : e42509ca-bf69-42e8-b4ce-d4ad327248b4

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

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

lc-0078ahb23.docx : 3dcb324c-fbca-46c2-9323-a9e8f2fbd657

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

H. 3768 -- Reps. M. M. Smith, Davis, Pace, B. L. Cox, Leber, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, Crawford, Cromer, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, Stavrakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIAM JOSEPH "BILL" HEALY, BAILIFF OF HANAHAN CITY HALL, AND TO CONGRATULATE HIM UPON RECEIVING THE CITIZEN OF THE YEAR AWARD FROM THE CITY OF HANAHAN.

lc-0185sa-gm23.docx : 042dec9b-26c6-43c6-a0e1-5819ec369828

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

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H. 3791 -- Rep. Howard: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND HENRY LEON "HANK" EDMONDS, JR, PASTOR AT UNION BAPTIST CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY YEARS OF FAITHFUL MINISTRY AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0182sa-jn23.docx : 514de8f0-9db2-402c-be07-90a59b806bdd

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

REPORTS OF STANDING COMMITTEE

Senator ALEXANDER from the Committee on Operation and Management polled out S. 374 favorable:

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL

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EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

TOTAL—9

NAYS

TOTAL--0

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operation and Management polled out H. 3703 favorable:

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE AT LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30,

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2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

TOTAL—9

NAYS

TOTAL--0

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Ordered for consideration tomorrow.

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

SECOND READING BILL

S. 410 -- Senator Talley: A BILL TO CONVEY THE REAL PROPERTY OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION TO SPARTANBURG COUNTY; TO DISSOLVE THE FAIRMONT-LARKIN AREA RECREATION COMMISSION; AND TO REPEAL ACT 819 OF 1978, RELATING TO THE CREATION AND DUTIES OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY explained the Bill.

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

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

S. 381 -- Senators Peeler, Verdin, Alexander, Martin and Malloy: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO 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.

The Senate proceeded to the consideration of the Bill.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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

CARRIED OVER

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; BY AMENDING SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; BY AMENDING SECTION 44-7-160, SO AS TO PROVIDE THAT THE CERTIFICATE OF NEED PROGRAM ONLY APPLIES TO NURSING HOMES; BY ADDING SECTION 44-7-161, TO PROVIDE THAT MUSC MUST APPEAR BEFORE THE JBRC AND OBTAIN APPROVAL FROM THE SFAA PRIOR TO TAKING CERTAIN

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ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

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

POINT OF ORDER

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

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. 361 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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. 375 -- Senators Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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ADOPTED

S. 319 -- Senators Williams and Reichenbach: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC-51, PAMPLICO HIGHWAY, BETWEEN FLOWERS ROAD AND WILLARD HENRY ROAD IN FLORENCE COUNTY "SGT. ROBERT A. MOBLEY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

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

MOTION ADOPTED

At 1:05 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDMENT PROPOSED

DEBATE INTERRUPTED

S. 39 -- Senator GROOMS: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-8-110 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59-8-120 SO AS TO PROVIDE TIMELINE AND SCHOLARSHIP APPLICATION PROCESS GUIDELINES; BY ADDING SECTION 59-8-130 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION SCHOLARSHIP TRUST FUND; BY ADDING SECTION 59-8-140 SO AS TO ESTABLISH AN ONLINE ELECTRONIC PAYMENT SYSTEM; BY ADDING SECTION 59-8-150 SO AS TO PROVIDE GUIDELINES FOR IF A PROGRAM OF ACADEMIC INSTRUCTION IS TERMINATED BEFORE THE END OF THE SEMESTER; BY ADDING SECTION 59-8-160 SO AS TO LIMIT THE NUMBER OF SCHOLARSHIP STUDENTS FOR SPECIFIED SCHOOL YEARS; BY ADDING SECTION 59-8-170 SO AS TO PROVIDE FOR THE APPLICATION PROCESS AND ESTABLISHMENT OF EDUCATION SERVICE PROVIDERS; BY ADDING SECTION 59-8-180 SO AS TO PROVIDE GUIDELINES FOR INFORMING STUDENTS AND THEIR PARENTS OF PROGRAM ELIGIBILITY; BY ADDING SECTION 59-8-190 SO AS

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TO ENSURE EQUITABLE TREATMENT AND PERSONAL SAFETY OF ALL SCHOLARSHIP STUDENTS; BY ADDING SECTION 59-8-200 SO AS TO REQUIRE THAT A SCHOLARSHIP STUDENT'S RESIDENT SCHOOL DISTRICT PROVIDE A PARENT AND THE EDUCATION SERVICE PROVIDER WITH THE STUDENT'S SCHOOL RECORDS; BY ADDING SECTION 59-8-210 SO AS TO ESTABLISH THE ESTF REVIEW PANEL; BY ADDING SECTION 59-8-220 SO AS TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT RESTRICT A SCHOOL DISTRICT'S ABILITY TO ENACT OR ENFORCE A DISTRICT'S STUDENT TRANSFER POLICY.

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

Amendment No. 10A

Senators DAVIS, KIMBRELL, CAMPSSEN, BENNETT, RICE, CASH and GROOMS proposed the following amendment (SR-39.JG0203S), which was withdrawn:

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

SECTION X.A. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3791. (A) As used in this section:

(1) "Eligible School" means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state's diploma requirements;

(e) has school facilities that are subject to applicable federal, state, and local laws; and

(f) is a member in good standing of the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, the American Montessori Society, the International Montessori Council, or the National Association of Private Schools or alternatively accredited by Cognia or the National Council for Private School Accreditation.

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(2) “Exceptional needs child” means a child:

(a)(i) who has been evaluated in accordance with this state’s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

(ii) who has been diagnosed as either permanently or within the last three years by a licensed speech language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student’s ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child’s unique needs; and

(b) the child’s parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

(3) “Disadvantaged child” means a child who is eligible for the federal free or reduced lunch program and whose family meets the qualifications for federal Medicaid benefits , or whose family has an annual adjusted gross income of two hundred percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services.

(4) “PACE Scholarship child” means a child who is a South Carolina resident who, immediately before receiving a scholarship or tuition grant under this section and enrolling in an eligible school or program, was enrolled in a South Carolina secondary or primary public school or who is eligible to enroll in a qualified first grade, kindergarten, or prekindergarten program; provided, however, that if a student is considered to be an eligible student pursuant to this item, he shall continue to qualify as such until he graduates, reaches the age of twenty, or returns to a public school, whichever occurs first; and provided, further, that the enrollment requirement must be waived in the case of a student who, based on the school attendance zone of his primary residence, is or would be assigned to a public school that the South Carolina Department of Education determines to be a low performing priority school, or who is the subject of an officially documented case of school based physical or psychological violence or student related verbal

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abuse threatening physical harm immediately before receiving a scholarship or tuition grant under this section.

(5) “Nonprofit scholarship funding organization” means a charitable organization that:

(a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the tax code;

(b) allocates at least ninety five percent of its annual contributions received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of this section and grants for home school curriculum fees, and incurs administrative expenses annually of not more than five percent of its annual contributions for a particular year to cover operational costs;

(c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs, disadvantaged, PACE Scholarship children, or for home school curriculum fees;

(d) does not provide grants only for the benefit of one school, and if the Treasurer determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;

(e) does not have as a volunteer, contractor, consultant, fundraiser, or member of its governing board, any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member;

(f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain;

(h) does not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations; and

(i) does not incur administrative fees for annual contributions raised in excess of ten percent of the cumulative total of the tax credits authorized under Subsection (D).

(6) “Parent” means the natural or adoptive parent or legal guardian of a child.

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(7) “Person” means an individual, partnership, corporation, or other similar entity.

(8) “Qualifying student” means a student who is either (i) an exceptional needs child, (ii) a disadvantaged child, or (iii) a PACE Scholarship child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the prekindergarten or later year level for the applicable school year. A qualifying student does not include students participating in the Education Scholarship Trust Fund Program, as provided in Section 59-8-110 et. seq.

(9) “Resident public school district” means the public school district in which a student resides.

(10) “Transportation” means transportation to and from school only.

(11) “Tuition” means the total amount of money charged for the cost of a qualifying student to attend an eligible school including, but not limited to, fees for attending the school, textbook fees, and school related transportation.

(12) “School year” means July first through June thirtieth each year.

(13) “Home school” means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59-65-40, 59-65-45, or 59-65-47.

(14) “Home school child” means any child attending an eligible home school.

(15) “Treasurer” means the Office of the State Treasurer.

(16) “Home school curriculum fees” means the total amount of money charged for instruction related expenditures of a home school child to attend an eligible home school including, but not limited to, curriculum packages, textbooks, digital education, and testing materials.

(B)(1) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or school as the beneficiary of the contribution.

(2) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11

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of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to disadvantaged children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(3) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for tuition to PACE Scholarship children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(4) A person is entitled to a tax credit against income taxes imposed pursuant to this chapter, or bank taxes imposed pursuant to Chapter 11 of this title for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

(a) the contribution is used to provide grants for home school curriculum fees to home school children attending a home school who qualify for these grants under the provisions of this section; and

(b) the person does not designate a specific child or home school as the beneficiary of the contribution.

(C)(1) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding eleven thousand dollars or the total cost of tuition, whichever is less, for qualifying students who are either (i) exceptional needs or (ii) disadvantaged at an eligible school. Before awarding any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying student is an exceptional needs or disadvantaged child. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the

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scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(2) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding the average state expenditures for each student in fall enrollment in public elementary and secondary education for this State or the total cost of tuition, whichever is less, for qualifying students who are PACE Scholarship children at an eligible school. The Treasurer shall determine and publish such amount annually, no later than January first. Upon approving the application, the scholarship funding organization shall issue a paper check payable to the parent or guardian of the qualifying student and deliver it to the eligible school. If the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(3) Grants may be awarded by a scholarship funding organization for a school year in an amount not exceeding one thousand dollars or the total cost of home school curriculum fees, whichever is less, for a qualifying home school child attending a home school. Before awarding any grant, a scholarship funding organization shall receive written documentation from the parent documenting that the student is a home school child. A scholarship funding organization may reimburse a parent directly for expenditures actually paid for home school curriculum fees, or pay vendors directly for home school curriculum fees on behalf of the home school child.

(D)(1)(a) The tax credits authorized by subsection (B)(1) may not exceed cumulatively a total of twenty five million dollars each calendar year for contributions made on behalf of exceptional needs students.

(b) The tax credits authorized pursuant to subsection (B)(2) may not exceed cumulatively a total of twenty five million dollars each calendar year for contributions on behalf of disadvantaged children.

(c) The tax credits authorized pursuant to subsection (B)(3) may not exceed cumulatively a total of forty million dollars each calendar year for contributions on behalf of PACE Scholarship children.

(d) The tax credits authorized pursuant to subsection (B)(4) may not exceed cumulatively a total of ten million dollars each calendar year for contributions on behalf of home school children.

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(e) If the department determines that the total of the credits claimed in this subsection by all taxpayers exceeds the limit amount, it shall allow credits only up to those amounts on a first come, first served basis.

(f) The tax credits authorized pursuant to subsection (B)(1), (2), (3), or (4) are automatically and permanently increased by twenty five percent in the succeeding calendar year whenever the total of the specific individual credit claimed meets the limit amount.

(g) The department, in coordination with the Treasurer, shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit. The credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than one hundred percent of his total tax liability for the tax year in contributions toward the tax credits authorized by subsection (B). This credit is not refundable. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward for credit against income or bank taxes in the next ten succeeding taxable years.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this section, then the taxpayer shall add back the amount of the deduction for purposes of South Carolina income or bank taxes.

(4) The department shall prescribe the form and manner of proof required to obtain the credits authorized by subsection (B). Also, the department, in coordination with the Treasurer, shall develop a method of informing taxpayers if the credit limit is met at any time during the year.

(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(F) Except as otherwise provided, the Department of Education, the Department of Revenue, the Treasurer, or any other state agency may not regulate the educational programs of an eligible school that accepts students receiving scholarship grants pursuant to this section.

(G)(1) The Treasurer shall approve and oversee the scholarship funding organizations and address any citizen concerns about the programs' administration at eligible schools or with the scholarship funding organizations. The Treasurer shall consider a scholarship funding organization's organizational structure, financial condition,

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ability to fulfill the requirements of the program, and other factors he determines to be relevant when making a decision concerning whether to approve an applicant. The Treasurer shall hold at least one public hearing concerning an application if citizen concerns are raised about an applicant.

(2) By August first of each year, each nonprofit scholarship funding organization shall apply with the Treasurer to be considered an eligible organization for the succeeding calendar year for which its contributors are allowed the tax credit provided by this section. If a nonprofit scholarship funding organization does not apply, the organization may not be published as an approved organization, and contributions to that organization must not be allowed for purposes of the credit allowed by this section. A nonprofit scholarship funding organization's application must contain:

(a) the number and total amount of grants issued to eligible schools in the preceding school year;

(b) for each grant issued to an eligible school in the preceding school year, the identity of the school and the amount of the grant;

(c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible schools;

(d) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(f) the criteria and eligibility requirements for scholarship awards; and

(g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that term is defined in subsection (A)(5) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(3) The Treasurer shall disclose on its website the names of qualifying nonprofit scholarship funding organizations and eligible schools. The Treasurer also may disclose the names of nonprofit scholarship funding organizations that applied but were not qualified by the Treasurer and those organizations whose eligibility has been revoked in accordance with subsection (H)(2), as well as the reason the application of the organization was not accepted or the reason its qualification was revoked.

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(4) By September first of each year, the Treasurer shall publish on its website a list of all qualifying nonprofit scholarship funding organizations for the succeeding calendar year, to include their names, addresses, telephone numbers, and, if available, website addresses. Also, the results of the audit required by item (2)(e) must be published with the list.

(5) By January fifteenth of each year, the Treasurer shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(a) the number and total amount of grants issued to eligible schools by each scholarship funding organization in the prior school year;

(b) the identity of the school and the amount of each grant issued to an eligible school in the prior school year by each scholarship funding organization;

(c) an itemization and detailed explanation of fees or other revenues obtained from or on behalf of an eligible school by any scholarship funding organization;

(d) a copy of the each scholarship funding organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of each scholarship funding organization conducted by a certified public accounting firm as provided to the Treasurer by each scholarship funding organization in their application to participate in the program;

(f) the criteria and eligibility requirements for scholarship awards of each scholarship funding organization as provided to the Treasurer by each scholarship funding organization in their application to participate in the program; and

(g) any report required by this section shall specifically not include the name, amount, or any other personally identifiable information of scholarship recipients.

(6) The Treasurer may request an audit of a scholarship funding organization by the department if the Treasurer believes an organization is in violation of the provisions of this section.

(H)(1) The department has authority to examine and audit the nonprofit scholarship funding organizations when requested by the Treasurer, including determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the

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requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this section.

(2)(a) If during a requested audit the department acquires evidence that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other substantial provision of this section, the department immediately may revoke the organization's participation in the program and shall notify the organization and the Treasurer in writing of the revocation.

(b) Actual notice of revocation may be provided to the organization by personal delivery to the organization, by certified return receipt mail to the last known address of the organization, or by other means reasonably designed to provide actual notice to the organization.

(c) Any donations made following the date the actual notice of revocation are received by the organization do not qualify for the credit and the donated funds must be returned to the donor by the organization.

(d)(i) Within thirty days after the day on which the organization is provided actual notice of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within seven days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is 'reasonable' if the department has substantial credible evidence that the organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with other substantial provisions of this section. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation is permanent.

(ii) If the administrative law judge determines that the immediate revocation was reasonable, the administrative law judge shall remand the case to the department to issue a department determination for permanent revocation within the time period determined by the judge. The organization may appeal this department determination in accordance with Section 12-60-460. At the contested case hearing on the department determination, the parties may raise new issues and arguments in addition to those issues and arguments previously presented at the immediate revocation hearing.

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(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation must be lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a department determination in accordance with Section 12-60-450(E)(2).

(iv) If at any time during the process, the department believes the organization is in compliance, the department may reinstate the organization and notify the Treasurer.

(v) Following the permanent revocation of a nonprofit scholarship funding organization, the department has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship funding organizations.

(I) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially if the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. The funds that are transferred by one nonprofit scholarship funding organization to another only may be considered by one organization when calculating its administrative expenses.

B. This SECTION takes effect upon approval by the Governor and applies to income tax years beginning after 2022. All tax credits earned as a result of a contribution made to a scholarship funding organization in 2022 apply to the cumulative total of twenty five million dollars for exceptional needs children, twenty five million dollars for disadvantaged children, forty million dollars to PACE Scholarship children, and ten million dollars for home school children, regardless of when in 2022 the contribution is made. All necessary reports and forms must be submitted as soon as practicable upon the enactment of this act.

C. Section 12 6 3790 of the S.C. Code is repealed.

Renummer sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment No. 10A was withdrawn.

Amendment No. 11

Senator FANNING proposed the following amendment (LC-39.PH0156S), which was tabled:

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Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not unlawfully discriminate on the basis of race, color, religion, creed, sex gender identity, ethnicity, sexual orientation, mental or physical disability, athletic performance, proficiency in the English language, past academic disciplinary history, or national origin; and

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 29; Nays 12

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

Total--29

NAYS

Allen	Fanning	Hutto
<i>Johnson, Kevin</i>	Malloy	McElveen
McLeod	Sabb	Scott
Setzler	Stephens	Williams

Total--12

The amendment was laid on the table.

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Amendment No. 12

Senators HUTTO and FANNING proposed the following amendment (LC-39.DG0187S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-150(A)(3) and inserting:

(3) not discriminate on the basis of race, color, religion, national origin, or disability; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was carried over.

Amendment No. 15

Senator FANNING proposed the following amendment (LC-39.PH0164S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(12) and inserting:

“Qualifying expense” means:

(a) tuition and fees of an education service provider;

(b) textbooks, curriculum, or other instructional materials including, but not limited to, any supplemental materials or associated online instruction required by either a curriculum or an education service provider;

(c) educational services for pupils with disabilities from a licensed or accredited practitioner or provider including, but not limited to, occupational, behavioral, physical, and speech language therapies; or

(d) fees for transportation paid to a fee for service transportation provider for the scholarship student to travel to and from an eligible provider as defined in this section, but not to exceed seven hundred and fifty dollars for each school year.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

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Ayes 29; Nays 9

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

Total--29

NAYS

Fanning	Jackson	<i>Johnson, Kevin</i>
Malloy	McElveen	McLeod
Sabb	Stephens	Williams

Total--9

The amendment was laid on the table.

Motion Adopted

On motion of Senator MALLOY, with unanimous consent, Senators SABB, ADAMS, GARRETT, GUSTAFSON and MALLOY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Amendment No. 16

Senator CLIMER proposed the following amendment (LC-39.DG0215S):

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(4)(c)(i) and inserting:

(c)(i) has a household income that does not exceed four hundred percent of the federal poverty guidelines; or

ReNUMBER sections to conform.

Amend title to conform.

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Senator CLIMER explained the amendment.

Senator FANNING spoke on the amendment.

Point of Quorum

At 4:07 P.M., Senator FANNING made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator FANNING resumed speaking on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator MASSEY, with Senator FANNING retaining the floor on Amendment No. 16, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 11:00 A.M.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Gaylord J. Perry of Gaffney, S.C. Gaylord worked in major league baseball for over twenty-two years and was inducted into the Major League Baseball Hall of Fame in 1991. He coached four seasons at Limestone College. Gaylord was a proud veteran of the United States Army and attended Sardis United Methodist Church. Gaylord was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William “Billy” Heard Love of Gaffney, S.C. Billy was a graduate of Gaffney High School where he was a member of the 1961 State Championship Team and was an all state linebacker at Presbyterian College. Billy was the former owner of Harold Tindall’s Restaurant and a former football coach for Blacksburg High School. He served on city council for more than 20 years, was a member of the Gaffney Elks Lodge and Sertoma Club and volunteered with Meals on Wheels. Billy was a loving father, devoted brother and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Tommy Ed Martin of Gaffney, S.C. Tommy was a graduate of Gaffney High School and Limestone College. He worked in the newspaper business for several decades and founded The Cherokee Chronicle in 1991. Tommy received numerous state and national awards throughout his career. He was also a co-owner of WFGN radio station in Gaffney. Tommy served in many capacities at Limestone College after graduation and was honored by the South Carolina General Assembly with the Palmetto Patriot award in 2008. He served on the YMCA Board, Gaffney Rotary Club and Gaffney Elks Lodge 1305 to mention a few. Tommy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 4:32 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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