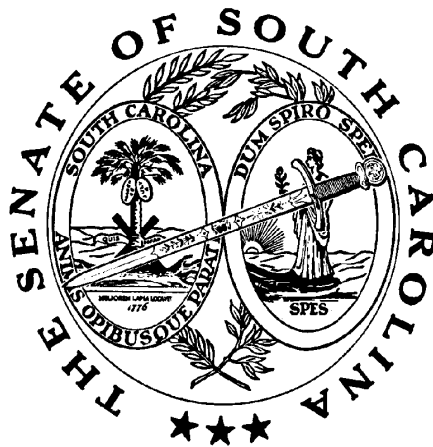


NO. 11

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

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THURSDAY, JANUARY 26, 2023

**Thursday, January 26, 2023**  
**(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:

Joshua 22:5b

Joshua gave this commandment to his people: “. . . to love the Lord your God, to walk in all his ways, to obey his commands, to hold fast to him and to serve him with all your heart and all your soul.”

Please join me as we bow in prayer: Holy God, today we pray more pointedly than ever for each and every person who works here in the South Carolina Senate. The duties, the pressures, the responsibilities upon our Senate President, on each of the other Senators, on each staff aide and every support person really are significant. So as these servants labor on behalf of the people of our State, Lord, may each individual trust in You with all their heart and soul, continually striving to do their absolute best. And may the end results not just reflect upon them or upon this Senate, but may they illustrate this Senate’s desire, O God, to honor You. So we humbly pray in Your loving name, dear Lord. Amen.

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

**Doctor of the Day**

Senator GARRETT introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator CORBIN, at 11:05 A.M., Senator TALLEY was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator SHEALY, at 12:44 P.M., Senator SENN was granted a leave of absence until 1:30 P.M.

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**Leave of Absence**

At 1:37 P.M., Senator KIMPSON requested a leave of absence until Tuesday, January 31, 2023, at 12:00 Noon.

**Leave of Absence**

On motion of Senator SABB, at 1:47 P.M., Senator STEPHENS was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 165    Sen. Allen

S. 444    Sens. Reichenbach, Garrett, Gambrell and Grooms

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 455 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-29-230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

sr-0229km23.docx : ec44b933-100e-4fd1-b20d-a9d43b8852ab

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

S. 456 -- Senators Rankin, Senn, Adams and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING SECTION 47-1-170, RELATING TO PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.

sr-0044jg23.docx : ad3fadd0-d20f-4bf1-8729-d6a082296467

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 457 -- Senator Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 28-2-35, SO AS TO PROVIDE THAT A PERSON OR ENTITY WITH THE POWER OF CONDEMNATION MUST HOLD A PUBLIC MEETING TO DISCLOSE THE LIKELIHOOD OF CONDEMNATION ON SURROUNDING PROPERTIES WHEN PURCHASING NEW REAL PROPERTY OR CHANGING THE USE OF REAL PROPERTY WHICH THE PERSON OR ENTITY ALREADY OWNS.

sr-0237km23.docx : 33ac3434-9fcc-4dbc-bd90-96d964a25ef5

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

S. 458 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE MARCH 8, 2023, AS "SOUTH CAROLINA OSTEOPATHIC MEDICINE DAY" IN SOUTH CAROLINA IN HONOR OF THE IMPORTANT ROLE THAT DOCTORS OF OSTEOPATHIC MEDICINE PLAY IN MEETING THE HEALTH CARE NEEDS OF THE CITIZENS OF SOUTH CAROLINA, THE MILITARY OF THE UNITED STATES, AND OUR COUNTRY AS A WHOLE.

sr-0246km-aba23.docx : 510535c2-6e90-49ad-8f30-0cdac41bb9f9

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

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

sr-0045jg23.docx : 6878e944-99d5-4543-b346-7d95defe1985

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

S. 460 -- Senator Sabb: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF EDWARD PRESSLEY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0251km-vc23.docx : cccae8d8-b95d-46cc-b72a-aa90448e4648

The Senate Resolution was adopted.

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H. 3136 -- Reps. Bailey, McCravy and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAYS 57 AND 111 IN HORRY COUNTY "LANCE CORPORAL MELTON LEVI 'FOX' GORE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0032cm-gt23.docx : 056f5d3e-71f2-4a20-8c65-b16ef9c335c6

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

H. 3139 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

lc-0066cm-gt23.docx : 94e58fe0-a4cf-4210-a195-9f227dd1f3d8

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

H. 3176 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT UNITED STATES HIGHWAY 521, HUBBARD DRIVE, AND CRAIG MANOR ROAD IN LANCASTER COUNTY "CHARLES ALAN BUNDY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0055hdb-gt23.docx : 9a1d9cd2-2b85-40fe-8393-9d1a682ef63c

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

H. 3179 -- Reps. Pope, Ligon and West: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF LABOR, LICENSING AND REGULATION DEDICATE THE STATUE AND PLAZA OF THE SOUTH CAROLINA FALLEN FIREFIGHTER MEMORIAL GARDEN, LOCATED ON THE GROUNDS OF THE SOUTH CAROLINA FIRE ACADEMY IN RICHLAND COUNTY, "IN MEMORY OF CHIEF JERRY WILLIAMS".

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lc-0050hdb-gt23.docx : ae6d3bf6-1b25-4527-9c7b-5404e1ee6222

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 3254 -- Reps. Jefferson, Murphy, Brewer, Robbins, Tedder, Cobb-Hunter and Gatch: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4 IN FISCAL YEARS 2023-2024 AND 2024-2025.

lc-0016ph23.docx : b0a2dcc8-8424-423c-b5f4-ccb109ce4d0d

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

H. 3357 -- Reps. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN LANCASTER COUNTY FROM THE LANCASTER BYPASS TO SOUTH CAROLINA HIGHWAY 522 "SHERIFF WILLIFORD LEE FAILE MEMORIAL HIGHWAY" AND PLACE APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF THE HIGHWAY CONTAINING THESE WORDS.

lc-0001cm-cm23.docx : 9c9bd28c-85d8-49d3-b01d-2ca8ae4de1c6

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

H. 3396 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 34 AND MCGEE TOWN ROAD IN LEE COUNTY "LEWIS W. BOONE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0035cm-cm23.docx : 8f435ecf-7d4a-4444-8fbf-878d22f0c752

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

**THURSDAY, JANUARY 26, 2023**

H. 3397 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 154 IN LEE COUNTY FROM ITS INTERSECTION WITH LOWER LEE SCHOOL ROAD TO ITS INTERSECTION WITH MANVILLE - ST. CHARLES ROAD "TONEY AND THELMA SLATER MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0011cm-cm23.docx : ca734b53-fac2-4097-b074-8ca45c065963

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

H. 3398 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION PLACE AN APPROPRIATE SIGN AT THE WESTBOUND ENTRANCE RAMP TO INTERSTATE HIGHWAY 20 IN LEE COUNTY AT EXIT 120 CONTAINING THE WORDS "IN MEMORY OF THE HONORABLE DAVID ADDISON".

lc-0012cm-gt23.docx : af8951b5-6deb-48a0-8e0f-5f23d30736dd

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

H. 3399 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 15 AND BROWNTOWN ROAD IN LEE COUNTY "W. A. BERRY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

lc-0013cm-gt23.docx : 9ab28ec0-e9b3-4c2e-aad3-72fd146f7663

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

H. 3400 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT AN APPROPRIATE SIGN AT THE EASTBOUND EXIT RAMP ONTO SOUTH CAROLINA HIGHWAY 341 FROM INTERSTATE HIGHWAY 20 IN LEE COUNTY CONTAINING THE WORDS "IN MEMORY OF SERGEANT MIKKOS L. NEWMAN".

lc-0039cm-cm23.docx : ec22464a-1379-4e09-8721-466dd6ba7dc9

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

H. 3783 -- Reps. Sandifer and Hardee: A JOINT RESOLUTION TO ALLOW THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE TO NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE VACANCY IS FILLED OR JULY 1, 2023, WHICHEVER OCCURS FIRST.

lc-0149ph23.docx : e404a71d-c36f-42f9-9094-34db9e0a130f

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

**REPORT OF STANDING COMMITTEE**

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

S. 165 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS 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; BY ADDING SECTION 40-1-77, SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 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

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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 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.

Returned with concurrence.

Received as information.

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

**OBJECTION**

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY RENAMING ARTICLE 3,

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CHAPTER 7, TITLE 44 SO 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, SO AS 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 ACTIONS; AND TO ESTABLISH THE CERTIFICATE OF NEED STUDY COMMITTEE TO ASSESS HEALTH CARE IN RURAL SOUTH CAROLINA.

Senator MASSEY objected to consideration of the Bill.

**OBJECTION**

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.

Senator MASSEY objected to consideration of the Bill.

**OBJECTION**

S. 361 -- Senators Grooms and Scott: 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.

Senator MASSEY objected to consideration of the Bill.

**OBJECTION**

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING

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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.

Senator MASSEY objected to consideration of the Bill.

**OBJECTION**

S. 375 -- Senators Grooms, Verdin and Senn: 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.

Senator MASSEY objected to consideration of the Bill.

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

**MOTION ADOPTED**

At 11:22 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

**AMENDED, 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

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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 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. 25**

Senator FANNING proposed the following amendment (LC-39.HA0129S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(G) An education service providers may not raise tuition more than 2.5% annually.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the Bill.

Senator FANNING explained the amendment.

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Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 26**

Senator FANNING proposed the following amendment (LC-39.DG0153S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-120(C), (D), and (G) and inserting:

(C) In each fiscal year, the General Assembly shall appropriate funds sufficient to provide a five thousand dollar ESA to the maximum allowable number of students under Section 59-8-135. In the event that fewer eligible students apply for ESAs than the maximum allowable number under Section 59-8-135, the remaining appropriated ESA funds for the year shall be distributed to school districts according to the same distribution formula used for the state aid to classroom program.

(D) The department shall create an individual online ESA account for each ESA student and transfer five thousand dollars into the account. The amount deposited shall not include federal or local funds.

(1) The parent must be able to access the online account for the ESA student using a secure portal.

(2) The ESA student account must be created within thirty days of the application approval.

(G) All ESA funds must be paid directly from the online portal to the approved education service provider or vendor for eligible expenses under Section 59-8-110(12). Education service providers may not refund, rebate, or share an ESA student's scholarship funds with a parent or the ESA student. The funds in an account may only be used for qualifying expenses as defined in this chapter and provided by the department.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

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**Amendment No. 27**

Senator FANNING proposed the following amendment (LC-39.DG0004S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-120, by adding a subsection to read:

(K) The State Treasurer shall not transfer funds into the Education Scholarship Trust Fund during any fiscal year in which the General Assembly fails to fully fund the base student cost as calculated by the Office of Revenue and Fiscal Affairs pursuant to the Education Finance Act of 1977.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 27; Nays 15**

**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	Verdin	Young

**Total--27**

**NAYS**

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

**Total--15**

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The amendment was laid on the table.

**Amendment No. 28**

Senator FANNING proposed the following amendment (LC-39.PH0151S), which was carried over:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150(A), by adding items to read:

(5) disqualify from a position of leadership anyone with a conviction for financial impropriety or bankruptcy, or who has been associated with another private school that went out of business or was removed from an education scholarship trust fund or school voucher program;

(6) subject all officers, directors, and employees to conflict of interest and fiduciary duty requirements; and

(7) require all staff involved in financial matters to participate in training regarding state procurement laws and how to account for the use of public funds.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator FANNING asked unanimous consent to carry over the amendment.

The amendment was carried over.

**Amendment No. 29**

Senator FANNING proposed the following amendment (LC-39.HDB0161S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-135 and inserting:

Section 59-8-135. (A) Beginning with the 2024-2025 School Year, the annual number of ESTF students is limited by the following capacity:

(1) in School Years 2024-2025, 2025-2026, and 2026-2027, the program is limited to five thousand scholarship students; and

(2) in School Year 2027-2028, the program limit for scholarship students will be determined based on the following:

(a) should the program demonstrate that seventy-five percent or greater of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding

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three school years, the program is limited to ten thousand scholarship students; and

(b) should the program demonstrate less than seventy-five percent of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program is limited to five thousand scholarship students;

(3) in School Year 2027 2028, the program limit for scholarship students will be determined based on the following:

(a) should the program demonstrate that seventy-five percent or greater of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program limit of scholarship students may be increased by five thousand, not to exceed fifteen thousand scholarship students; and

(b) should the program demonstrate that less than seventy-five percent of scholarship students made value added growth on summative assessments as identified in Section 59-8-150 in each of the preceding three school years, the program limit shall remain at the limit established in 2026 2027; and

(4) in school year 2028 2029 and for all subsequent school years, the program is limited to the number of scholarship students established in 2027 2028.

(B) In 2029, and every five years thereafter, the department shall conduct an eligibility and use review of the program and shall make recommendations to the General Assembly to improve the program.

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:

**Ayes 25; Nays 13**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis

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Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Young		

**Total--25**

**NAYS**

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

**Total--13**

The amendment was laid on the table.

**Amendment No. 30A**

Senators SETZLER, HEMBREE and FANNING proposed the following amendment (LC-39.WAB0234S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-145(E) and inserting:

(E) The department may conduct or contract for the auditing of accounts, and shall, at a minimum, conduct random audits of education service providers and scholarship accounts on an annual basis.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 31B**

Senators HUTTO, HEMBREE and FANNING proposed the following amendment (LC-39.WAB0230S), which was carried over:

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

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(3) not unlawfully discriminate on the basis of race, color, religion, national origin, or disability. This item shall not be applied in contradiction to any exemptions provided to independent or religious educational providers under federal law; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE asked unanimous consent to carry over the amendment.

The amendment was carried over.

**Amendment No. 32**

Senator FANNING proposed the following amendment (LC-39.DG0186S), which was tabled:

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

(k) fees for ESTF account management by private financial management firms approved by the department.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 33**

Senator FANNING proposed the following amendment (LC-39.HDB0154S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-140(A), by adding an item to read:

(7) The department must track data on scholarship students who leave the program prior to graduation. Data tracked must state whether the student's education service provider or the student initiated leaving the program and the reason why the student left. The compiled data annually must be reported to the General Assembly before September

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first. This data must be compiled and disaggregated by the education service provider showing the:

- (a) number of students leaving;
- (b) number of students leaving initiated by the education service provider as compared to the number leaving initiated by the student;
- (c) reasons cited for leaving the program;
- (d) demographic data for SCHOLARSHIP students leaving;
- (e) demographic data for SCHOLARSHIP students remaining;
- (f) achievement data for SCHOLARSHIP students leaving; and
- (g) achievement data for SCHOLARSHIP students remaining.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 34**

Senator FANNING proposed the following amendment (LC-39.CM0175S:

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

(A) To ensure equitable treatment and personal safety of all scholarship students, all education service providers shall:

- (1) comply with all applicable health and safety laws or codes;
- (2) hold a valid occupancy permit if required by the municipality in which the education service provider is located, if applicable;
- (3) not unlawfully discriminate on the basis of race, color, religion, or national origin;
- (4) conduct criminal background checks on employees and exclude from employment anyone who:
  - (a) is not permitted by state law to work in a school;
  - (b) reasonably might pose a threat to the safety of students; or
  - (c) is listed on federal, state, or other central child abuse registries; and

(5) track and report to the department the number of scholarship students denied admission with the reason each scholarship student was not admitted.

Renumber sections to conform.

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Amend title to conform.

Senator KIMPSON explained the amendment.

**Motion Adopted**

Senator MASSEY moved under the provisions of Rule 15A that no further amendments be allowed on the desk other than eight amendments each by the Chair of the Education Committee and the Minority Leader, and further that proponents and opponents be allowed up to five minutes debate on each amendment; and, that upon consideration of all amendments, the Senate would proceed to a vote on second reading of the Bill.

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

**Ayes 25; Nays 15**

**AYES**

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

**Total--25**

**NAYS**

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Martin	Matthews
McElveen	McLeod	Sabb
Scott	Setzler	Williams

**Total—15**

The motion was adopted.

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**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senators PEELER, CLIMER, M. JOHNSON, FANNING and MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David R. Campbell of Rock Hill, S.C. David was a firefighter and paramedic with the Rock Hill Fire Department. He also worked as a firefighter with Lockhart Fire Department and worked part time with Union and Chester County EMS. David enjoyed hunting, fishing and spending time with his family. David was a loving husband and devoted father who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Cecil Sandifer of Westminster, S.C. Cecil was a graduate of Eckels College. He had a 80 year career as a funeral director at Mackey Mortuary and later founded Sandifer Funeral Home. He was a WWII veteran, former Mayor of Westminster, former member of the House of Representatives and a former Employment Security Commission Commissioner. He was a member of Westminster Baptist Church, Westminster Masonic Lodge 200, S.C. Hejaz Shrine Temple, Westminster American Legion Post 107 and Rotary Club. Cecil was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 1:49 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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