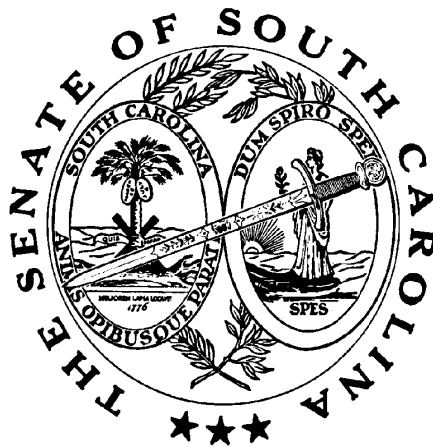


NO. 13

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

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TUESDAY, JANUARY 31, 2023

**Tuesday, January 31, 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:

I Chronicles 29:17a

Before passing along the mantle of leadership to his son, David said:

“ ‘I know, my God, that you test the heart and are pleased with integrity.’ ”

Good friends, join me as we bow in prayer: It’s not at all unusual, O Lord, for us to find that we are being personally tested, over and over. Indeed, the pressures of daily life so often seem to work against each one of us in unrelenting fashion. Consequently, this reality brings us today to ask, dear God, that You grant to everyone serving here in the Senate of South Carolina the wisdom, patience and courage to meet the many challenges before them, and to do so with unfailing integrity. And consequently might each of these leaders unflinchingly tackle and resolve every issue before them, ultimately bringing about good for all of the people of our State. We so 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 GOLDFINCH introduced Dr. Gerald Harmon of Georgetown, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator CASH, at 12:49 P.M., Senator RICE was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator SENN, at 12:49 P.M., Senator HARPOOTLIAN was granted leave of absence for the week.

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**Leave of Absence**

On motion of Senator K. JOHNSON, at 1:06 P.M., Senator McELVEEN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator TURNER, at 1:08 P.M., Senator TALLEY was granted until 1:52 P.M.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Remarks to be Printed**

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

**CO-SPONSORS ADDED**

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

S. 1 Sen. Rankin  
S. 153 Sen. Rankin  
S. 164 Sen. Turner  
S. 397 Sens. Setzler and Kimbrell  
S. 444 Sen. Hembree

**RECALLED**

H. 3179 -- Reps. Pope and Ligon: 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".

Senator DAVIS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Labor, Commerce and Industry.

The Concurrent Resolution was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

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**RECALLED**

S. 398 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT BELTLINE BOULEVARD AND SHOP ROAD IN RICHLAND COUNTY "LAURA TOLIVER JEFFERSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 461 -- Senators Loftis, Gambrell, Garrett, Rice, Grooms, Climer and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-415 SO AS TO PROVIDE THE COMMISSION ON HIGHER EDUCATION AND STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ANNUALLY SHALL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY CERTAIN INFORMATION DOCUMENTING THE PERFORMANCE OF THE INSTITUTIONS UNDER THEIR RESPECTIVE OVERSIGHT IN PREPARING STUDENTS FOR THE WORKFORCE, AND TO PROVIDE RELATED OBLIGATIONS OF THESE INSTITUTIONS.

lc-0192wab23.docx : 7ddb30a1-d115-4c87-aa0a-1d19f9c31e6e

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

S. 462 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-11-10, RELATING TO THE POLICE OFFICERS RETIREMENT SYSTEM DEFINITIONS, SO AS TO ADD THE CATAWBA INDIAN NATION TO THE DEFINITION OF "EMPLOYER"; AND BY AMENDING SECTION 9-11-40, RELATING TO APPLICATION TO BECOME AN EMPLOYER UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE THAT THE CATAWBA INDIAN

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NATION CAN APPLY TO BECOME AN EMPLOYER UNDER THE SYSTEM.

lc-0153sa23.docx : 8c0b8bb9-00b8-475d-91c2-6a117b6eefab

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

S. 463 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JARED EVANS FOR HIS YEARS OF DISTINGUISHED SERVICE WITH THE UNITED STATES MARINE CORPS AND TO COMMEND HIM FOR HIS WORK WITH VETERANS AT THE UNIVERSITY OF SOUTH CAROLINA.

sr-0247km-vc23.docx : c3e11a26-7656-4677-95c4-687d5934c704

The Senate Resolution was adopted.

S. 464 -- Senators Alexander, Peeler and Shealy: A SENATE RESOLUTION TO COMMEND AND THANK LISA MANINI WIDENER FOR HER MANY YEARS OF DEDICATED SERVICE TO THE SENATE OF SOUTH CAROLINA AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0252km-hw23.docx : 9ef9a3f6-2dda-4a70-ac41-f66fb455193d

The Senate Resolution was adopted.

S. 465 -- Senator Shealy: A RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S GOLF TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR FINISHING THE SEASON RANKED NUMBER FOUR IN THE FINAL GOLFSTAT TEAM RANKINGS.

sr-0245km-vc23.docx : 93a525ce-9fcb-4658-83b4-2a3a5914b5dd

The Senate Resolution was adopted.

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO BENEFIT RATIO FOR ZERO TAXABLE WAGES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0198wab-dbs23.docx : 8ee73f26-48f3-49ed-a7df-e631509bc5de

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

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S. 467 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO CONTRIBUTIONS: INTEREST, DESIGNATED AS REGULATION DOCUMENT NUMBER 5147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0199wab-dbs23.docx : f36781b6-70ba-4255-945e-f7e76ff47bd7

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

S. 468 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO FILING CLAIMS FOR BENEFITS AND REGISTRATION FOR WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0200wab-dbs23.docx : 003bc947-b6c6-4e17-97b1-eeb08b8e23d6

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

S. 469 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO OFFERS OF WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 5163, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0193wab-rt23.docx : e23be1ce-a5a7-46ab-bd0d-49c55422ef4f

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

S. 470 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, PURSUANT TO THE PROVISIONS

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OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0196wab-rt23.docx : 0387123a-9f7f-4870-82c3-e0a23f90e40a

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

S. 471 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 1-7, 2023 AS "TARDIVE DYSKINESIA AWARENESS WEEK" IN SOUTH CAROLINA.

sr-0253km-vc23.docx : 8110a643-19d4-4fee-a5ca-4c9a5308923d

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

S. 472 -- Senator Matthews: A RESOLUTION TO RECOGNIZE AND HONOR THE SISTERS OF THE IOTA CHI CHAPTER OF DELTA SIGMA THETA SORORITY, INC., AT THE UNIVERSITY OF SOUTH CAROLINA, TO CONGRATULATE THEM UPON THE CHAPTER'S GOLDEN ANNIVERSARY OF PUBLIC SERVICE, AND TO DECLARE FEBRUARY 17, 2023 IOTA CHI DAY IN SOUTH CAROLINA.

lc-0131dg-gm23.docx : df38873a-46f4-4252-a846-9e468f787445

The Senate Resolution was adopted.

S. 473 -- Senator Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-5-235 SO AS TO PROVIDE THAT LAWYERS LICENSED FOR MORE THAN FORTY YEARS WHO ARE FOUND TO HAVE NO WORKING KNOWLEDGE OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA MUST TAKE AND PASS THE UNIFORM BAR EXAMINATION.

sr-0047jg23.docx : a5171fd2-dfe2-4dfd-9177-a985d59e6515

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

**INVITATIONS ACCEPTED**

The PRESIDENT ordered the following invitations placed on the Calendar:

**Tuesday, January 31, 2023 - 5:00pm - 7:00pm**

Members Only, Reception, Capital City Club, by the **South Carolina Economic Developer's Association**

**TUESDAY, JANUARY 31, 2023**

**Tuesday, January 31, 2023 - 5:30pm - 8:00pm**

Members and Staff, Reception, Capitol Center Lobby 1201 Main Street,  
by the **City of Columbia**

**Wednesday, February 1, 2023 - 8:00am - 10:00am**

Members and Staff, Breakfast, Blatt 112, by the **MedTrust Medical Transport**

**Wednesday, February 1, 2023 - 11:30am - 2:00pm**

Members Only, Luncheon, Blatt 112, by the **South Carolina Association for Community Economic Development**

**Wednesday, February 1, 2023 - 6:00pm-8:00pm**

Members and Staff, Reception, National Guard Armory, Bluff Road, by  
the **South Carolina Department of Natural Resources**

**Wednesday, February 1, 2023 - 5:30pm - 7:30pm**

Members and Staff, Reception, 1208 Washington Place, by the **South Carolina Telecommunications and Broadband Association**

**Tuesday, February 7, 2023 - 5:00pm - 7:00pm**

Members and Staff, Reception, Columbia Metropolitan Convention Center, by **The Electric Cooperatives of South Carolina**

**Tuesday, February 7, 2023 - 5:30pm - 7:00pm**

Members Only, Reception, Columbia Marriott Hotel, by the **Municipal Association of South Carolina**

**Wednesday, February 8, 2023 - 8:00am - 10:00am**

Members Only, Breakfast, Blatt 112, by the **South Carolina Association of School Administrators**

**Wednesday, February 8, 2023 - 11:30am - 2:00pm**

Members Only, Luncheon, State House Grounds, by the **South Carolina Baptist Convention**

**Wednesday, February 8, 2023 - 5:00pm - 7:00pm**

Members Only, Reception, Halls Chophouse, by the **South Carolina Poultry Federation**



**TUESDAY, JANUARY 31, 2023**

**Thursday, February 9, 2023 - 8:00am - 10:00am**

Members Only, Breakfast, Blatt 112, by the **South Carolina Governor's School of Science and Math Foundation**

**Tuesday, February 14, 2023 - 5:30pm - 7:00pm**

Members and Staff, Reception, USC Alumni Center, by the **University of South Carolina / USC Alumni Association**

**Wednesday, February 15, 2023 - 8:00am - 10:00am**

Members and Staff, Breakfast, Blatt 112, by the **American Cancer Society Cancer Action Network**

**Wednesday, February 15, 2023 - 11:30am - 2:00pm**

Members and Staff, Luncheon, Blatt 112, by the **United Way Association of South Carolina**

**Wednesday, February 15, 2023 - 6:00pm - 9:00pm**

Members and Staff, Reception, Columbia Convention Center, by the **Myrtle Beach Area Chamber of Commerce**

**Thursday, February 16, 2023 - 8:00am - 10:00am**

Members Only, Breakfast, Blatt 112, by the **South Carolina Arts Alliance**

**Tuesday, February 21, 2023 - 5:00pm - 7:00pm**

Members Only, Reception, Halls Chophouse, by the **National Association of Insurance and Financial Advisors**

**Tuesday, February 21, 2023 - 5:30pm - 7:30pm**

Members Only, Reception, Palmetto Club, by the **South Carolina Optometric Physicians Association**

**Wednesday, February 22, 2023 - 8:00am - 10:00am**

Members and Staff, Breakfast, Blatt 112, by the **Piedmont Municipal Power Agency/South Carolina Association of Municipal Power Systems**

**Wednesday, February 22, 2023 - 11:30am - 2:00pm**

Members Only, Luncheon, Blatt 112, by the **Independent Banks of SC**

**TUESDAY, JANUARY 31, 2023**

**Wednesday, February 22, 2023 - 5:00pm - 7:30pm**

Members and Staff, Reception, 1208 Washington Place, by the  
**Association of ABC Stores of South Carolina**

**Wednesday, February 22, 2023 - 5:30pm - 7:30pm**

Members and Staff, Reception, Columbia Museum of Art, by the  
**Florence County Economic Development Partnership**

**Thursday, February 23, 2023 - 8:00am - 10:00am**

Members and Staff, Breakfast, Blatt 112, by the **National Federation of  
the Blind of South Carolina**

**Tuesday, February 28, 2023 - 5:00pm - 7:00pm**

Members and Staff, Reception, Columbia Convention Center, by the  
**South Carolina Brewers Guild**

**Tuesday, February 28, 2023 - 5:30pm - 7:30pm**

Members and Staff, Reception, Palmetto Club, by the **Association of  
ABC Stores of South Carolina**

**RECESS**

At 12:17 P.M., on motion of Senator MASSEY, the Senate recessed  
from business not to exceed 10 minutes.

At 12:38 P.M., the Senate resumed.

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

**AMENDED, READ THE SECOND TIME**

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

**TUESDAY, JANUARY 31, 2023**

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. 47**

Senator SETZLER proposed the following amendment (SMIN-39.MW0257S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-125(B) and inserting:

(B) The General Assembly shall appropriate funds to the department for initial costs to create the program. Thereafter, the department shall deduct an amount from the ESTF to cover the costs of overseeing the accounts and administering the program up to a limit of two percent. Annually, on or before December thirty-first, the department shall notify the respective chairmen of the Senate Finance Committee and House of Representatives Ways and Means Committee regarding the amount deducted for administrative costs and an itemization of the costs incurred to administer the program for the previous school year.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke in favor of the amendment.

The amendment was adopted.

**TUESDAY, JANUARY 31, 2023**

**Amendment No. 48**

Senators HEMBREE and KIMBRELL proposed the following amendment (LC-39.HA0282S), which was adopted:

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, or national origin. This item shall not be interpreted to preclude any independent or religious educational provider from exercising an exemption allowed under federal law; and

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke in favor of the amendment.

Senator FANNING spoke against the amendment.

The question then was the adoption of the amendment.

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

**Ayes 28; Nays 14**

**AYES**

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

**Total--28**

**NAYS**

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

**TUESDAY, JANUARY 31, 2023**

**Total--14**

The amendment was adopted.

**Amendment No. 49**

Senators SETZLER and PEELER proposed the following amendment (SMIN-39.MW0281S), which was adopted:

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

(C) Upon request of the parent and approval of an eligible student's application by the department, the State Treasurer shall transfer six thousand dollars per scholarship student to the Education Scholarship Trust Fund as directed by the General Assembly, unless an increased or decreased limit is authorized in the annual general appropriations act.

Re-number sections to conform.

Amend title to conform.

Senator SETZLER spoke in favor of the amendment.

The amendment was adopted.

**Amendment No. 50**

Senators CLIMER, CORBIN and KIMBRELL proposed the following amendment (LC-39.DG0251S), which was adopted:

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

Re-number sections to conform.

Amend title to conform.

Senator CLIMER spoke in favor of the amendment.

Senator SABB spoke against the amendment.

Senator FANNING spoke against the amendment.

The question then was the adoption of the amendment.

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

**Ayes 24; Nays 18**

**AYES**

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

**Total--24**

**NAYS**

Allen	Davis	Fanning
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	Kimpson	Malloy
Massey	Matthews	McLeod
Rankin	Sabb	Scott
Setzler	Stephens	Williams

**Total--18**

The amendment was adopted.

**Amendment No. 51**

Senator FANNING proposed the following amendment (LC-39.PH0266S), which was not adopted:

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.

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Senator FANNING spoke in favor of the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

**Amendment No. 52**

Senators CLIMER and KIMBRELL proposed the following amendment (LC-39.DG0250S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-135(A)(1), (2), and (3) and inserting:

(1) in School Year 2024-2025, the program is limited to ten thousand scholarship students;

(2) in School Year 2025-2026, the program is limited to twenty thousand scholarship students; and

(3) in School Year 2026-2027, and for all subsequent school years, the program is limited to thirty thousand scholarship students.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke in favor of the amendment.

Senator DAVIS spoke against the amendment.

The question then was the adoption of the amendment.

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

**Ayes 16; Nays 27**

**AYES**

Adams	Alexander	Cash
Climer	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Peeler	Reichenbach	Verdin
Young		

**Total--16**

**NAYS**

Allen	Bennett	Campsen
-------	---------	---------

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Corbin	Cromer	Davis
Fanning	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Malloy	Martin	Massey
Matthews	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams

**Total--27**

The amendment failed and was not adopted.

**Amendment No. 53**

Senator FANNING proposed the following amendment (LC-39.HA0265S), which was not adopted:

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

(H) All education service providers shall provide each scholarship student with transportation to and from the education service provider on each school day.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

**Amendment No. 54**

Senator HEMBREE proposed the following amendment (LC-39.DG0252S), which was adopted:

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

(I) The trust fund does not constitute a debt of the State or any political subdivision thereof, including school districts. The trust fund must be held and applies solely toward carrying out the purposes of this chapter.

Renumber sections to conform.

Amend title to conform.



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Senator HEMBREE spoke in favor of the amendment.

Senator FANNING spoke against the amendment.

The question then was the adoption of the amendment.

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

**Ayes 28; 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	Senn	Shealy
Talley	Turner	Verdin
Young		

**Total--28**

**NAYS**

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

**Total--15**

The amendment was adopted.

**Amendment No. 55**

Senator FANNING proposed the following amendment (LC-39.HA0263S), which was not adopted:

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

(H) All education service providers shall provide breakfast, lunch, and an afternoon snack daily to each scholarship student on each school day.

Renumber sections to conform.

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Amend title to conform.

Senator FANNING spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

**Amendment No. 56**

Senator HEMBREE proposed the following amendment (LC-39.HA0280S), which was adopted:

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

(H) A person serving as a board member or director of an education service provider shall have a fiduciary duty to the provider and shall avoid any conflicts of interest with the provider.

(I) No member of the General Assembly or their immediate family, as defined by Section 8-13-100(18), may have a financial interest in an education service provider. This does not prevent a member or their immediate family from qualifying under the provisions of this chapter to participate in the ESTF program.

(J) A person shall not serve in a position of leadership with an education service provider who has been convicted of a financial crime.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

**Amendment No. 57**

Senator FANNING proposed the following amendment (LC-39.VR0155S), which was not adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-115(B) and inserting:

(B)(1) Pursuant to the timeline established pursuant to subsection (A), the department shall: (a) process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings; and

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(b) enroll and issue award letters within thirty days of the deadline for receipt of completed applications and all required documentation.

(2) If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The amendment failed and was not adopted.

**Amendment No. 58**

Senator HEMBREE proposed the following amendment (LC-39.HA0285S), which was adopted:

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

(c)(i) in school year 2024-2025, has a household income that does not exceed two hundred percent of the federal poverty guidelines;

(ii) in school year 2025-2026, has a household income that does not exceed three hundred percent of the federal poverty guidelines; and

(iii) in school year 2026-2027 and all subsequent years, has a household income that does not exceed four hundred percent of the federal poverty guidelines.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke in favor of the amendment.

Senator KIMPSON spoke against the amendment.

The question then was the adoption of the amendment.

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

**Ayes 21; Nays 20**

**AYES**

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Alexander	Bennett	Campsen
Cash	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Hembree	Loftis
Massey	Peeler	Rankin
Senn	Shealy	Talley
Turner	Verdin	Williams

**Total--21**

**NAYS**

Adams	Allen	Climer
Corbin	Fanning	Gustafson
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Malloy
Martin	Matthews	McLeod
Reichenbach	Sabb	Scott
Stephens	Young	

**Total--20**

The amendment was adopted.

**Amendment No. 59**

Senators HUTTO, SETZLER, SHEALY, MALLOY and SCOTT proposed the following amendment (SMIN-39.AA0274S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-140, by adding a subsection to read:

(I) (1) For scholarship students utilizing a scholarship to attend an online Education Service Provider, the department must track data on scholarship student wellness through mandatory in-person days of attendance at least once per semester at their resident public school. For first semester the in-person date shall be no later than November fifteenth. For the second semester the in-person date shall be no later than March fifteenth. During the in-person attendance, a school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, school nurse, on-site mental health, or allied health professional, or other appropriately designated mandated reporter at the local public school as defined in Section 63-7-310 must complete

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a comprehensive wellness check to screen for abuse and neglect as defined in Section 63-7-20.

(2) All employees at an online Education Service Provider who are employed in same or similar roles as defined in Section 63-7-310 shall be considered persons required to report and must complete the training programs required pursuant to Section 63-7-310(A) and holds all the same rights, responsibilities, and potential penalties as defined in 63-7-315, 63-7-320, 63-7-350, 63-7-360, 63-7-370, 63-7-380, 63-7-390, 63-7-400, 63-7-430, 63-7-440, and receive information pursuant to 63-7-450.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke in favor of the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

**Recorded Vote**

Senators GROOMS and CORBIN desired to be recorded as voting against the adoption of the amendment.

**Motion Adopted**

Senator HUTTO asked unanimous consent to withdraw Amendment No. 60 and substitute it with Amendment No. 61.

**Amendment No. 61**

Senators HUTTO and FANNING proposed the following amendment (SMIN-39.AA0286S), which was not adopted:

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

(3) not unlawfully discriminate on the basis of race, color, national origin, or disability. This item shall not be interpreted to preclude any independent or religious educational provider from exercising an exemption under federal law; and

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke in favor of the amendment.

Senator MASSEY spoke against the amendment.

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The question then was the adoption of the amendment.

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

**Ayes 18; Nays 25**

**AYES**

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

**Total--18**

**NAYS**

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

**Total--25**

The amendment failed and was not adopted.

The question then was second reading of the Bill.

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

**Ayes 28; Nays 15**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Rankin
Reichenbach	Senn	Shealy
Talley	Turner	Verdin
Young		

**Total--28**

**NAYS**

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

**Total--15**

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

**Statement by Senator SETZLER**

I believe that S. 39 violates the State Constitution's prohibition against public money going to private and religious schools. Section 4, Article XI of the South Carolina Constitution prohibits public funds from being used for the direct benefit of any religious or other private schools. S. 39 diverts money from the State Treasury -- public funds -- to pay for tuition at religious and private schools. For that reason I voted against the Bill.

**Motion Adopted**

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

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**MOTION ADOPTED**

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jerry Stoots of Goose Creek, S.C. Jerry was a graduate of Appalachian State University where he played baseball. He was a beloved coach in the Lowcountry for 50 years and taught P.E. and driver's education while serving as athletic director. Jerry was inducted into the S.C. Athletic Coaches Association Hall of Fame in 2008, S. C. Baseball Coaches Association Hall of Fame in 2017 and also the Charleston Baseball Hall of Fame. Jerry loved country music, fishing, watching the Dodgers play and spending time with family. He was a member of Summerville Baptist Church. Jerry was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Lee Barry Watkins of Charleston, S.C. Barry graduated from Baptist College and earned his masters degree from The Citadel. He worked at Stall High School for 21 years coaching golf, football and baseball while teaching biology and other sciences. He later taught at Summerville High and Northwood Academy until retiring in 2008. Barry was an avid hunter and fisherman who enjoyed gardening and the outdoors. Barry was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 3:11P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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