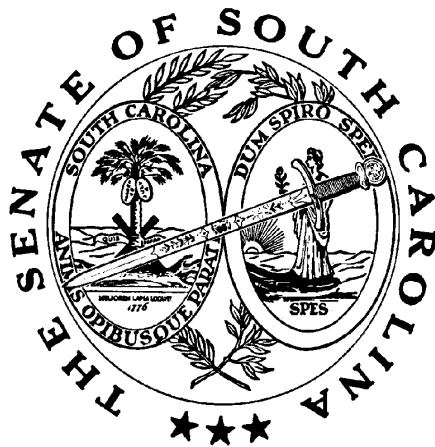


NO. 14

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, FEBRUARY 1, 2023

Wednesday, February 1, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Deuteronomy 26:5b

In Deuteronomy the people are urged to declare before God that: “ ‘A wandering Aramean was my ancestor; he went down into Egypt and lived there as an alien, few in number, and there he became a great nation.’ ”

Let us pray: O Gracious God, You have bestowed such wondrous blessings upon South Carolina. For in addition to the manifold natural resources we celebrate here in our State, we also give heartfelt thanksgiving for the rich diversity of our citizenry, for the incredible promise they offer for the decades ahead. From those earliest humans who roamed throughout this region to the most recent residents who have moved here from Ohio and New York and so many other places, we have grown to be a populous and relatively prosperous people. So with thankful hearts, O God, we ask that You be with our Senators as they continue to wrestle wisely with ways to meet the needs of all of our citizens. 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 1:04 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	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett

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Gustafson	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Leave of Absence

On motion of Senator MASSEY, at 1:07 P.M., Senator GROOMS was granted a leave of absence for today.

Leave of Absence

On motion of Senator SETZLER, at 1:13 P.M., Senator JACKSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator K. JOHNSON, at 5:19 P.M., Senator McELVEEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator TALLEY, at 5:19 P.M., Senator RANKIN was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator KIMBRELL rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 1 Sen. Adams
S. 109 Sen. Kimbrell
S. 153 Sen. Adams
S. 234 Sen. Kimbrell
S. 444 Sen. M. Johnson

RECALLED

H. 3176 -- Reprs. B. Newton, Mitchell, Neese and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT

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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.

Senator M. JOHNSON 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.

RECALLED

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.

Senator M. JOHNSON 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. 474 -- Senators Grooms and Massey: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE

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NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

sr-0235km23.docx : 8e9d5b81-52cc-43f1-950d-1ed32ca3d820

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

S. 475 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-7-1340, RELATING TO DUTIES AND SERVICE OF ALTERNATE JURORS, SO AS TO PROVIDE THAT IT IS WITHIN THE DISCRETION OF THE TRIAL JUDGE TO RETAIN ALTERNATE JURORS AFTER THE JURY RETIRES TO DELIBERATE.

sr-0050jg23.docx : e17b62de-2874-4bc4-8778-e1a405170222

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

S. 476 -- Senators Corbin, Loftis, Kimbrell, M. Johnson, Turner and Bennett: A JOINT RESOLUTION TO AMEND ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, SO AS TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES ON THE COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE RATHER THAN BEING ELECTED BY THE GENERAL ASSEMBLY, AND TO REPEAL PROVISIONS REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH A JUDICIAL MERIT SELECTION COMMISSION.

sr-0256km23.docx : be8c6806-1464-42ee-9314-92f5c6f03c00

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

S. 477 -- Senators Corbin, Loftis and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO DELETE PROCEDURES TO REVIEW THE QUALIFICATIONS OF RETIRED JUDGES FOR CONTINUED JUDICIAL SERVICE; AND BY AMENDING SECTION 2-19-100, RELATING TO ELIGIBILITY OF RETIRED JUDGES FOR APPOINTMENT, SO AS TO PROVIDE THAT A RETIRED JUSTICE OR JUDGE IS PROHIBITED FROM ENGAGING IN CONTINUED JUDICIAL SERVICE FOLLOWING HIS RETIREMENT.

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sr-0255km23.docx : b7195ad9-dfc4-4583-936a-e7e71c990f9a

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

S. 478 -- Senator Gambrell: A BILL TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWATER WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWATER WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

lc-0163ph23.docx : cb0c7113-95f2-4c0c-80f7-f5b58a9eff74

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

S. 479 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME CHALK STREET IN THE RICHLAND COUNTY TOWN OF EASTOVER FROM POULTRY LANE TO MAIN STREET "FREDDIE E. CAMPBELL, SR. MEMORIAL STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0207cm-gt23.docx : 68331cca-83c3-470c-acdf-2fcc0473912c

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

S. 480 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE AVENUE IN THE TOWN OF GREAT FALLS IN CHESTER COUNTY, FROM ITS INTERSECTION WITH PROSPECT STREET TO ITS INTERSECTION WITH DEARBORN STREET THROUGH CIRCLE ROAD, "TORREY CRAIG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0048cm-gt23.docx : 73583d42-71dc-48ce-8fe5-96d0632eef8b

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

S. 481 -- Senator Rice: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED,

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RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO SET A LIMIT ON THE NUMBER OF TERMS THAT A PERSON MAY BE ELECTED AS A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES AND TO SET A LIMIT ON THE NUMBER OF TERMS THAT A PERSON MAY BE ELECTED AS A MEMBER OF THE UNITED STATES SENATE.

sr-0257km-km23.docx : 06543a37-c78f-4f4d-9fed-04dcabc9f998

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

H. 3122 -- Reps. J. E. Johnson and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 1-7-730 RELATING TO THE EXAMINATION OF THE OFFICES OF COUNTY OFFICERS.

lc-0006sa23.docx : 569403c8-d060-49a2-bb26-13dbfc54c148

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

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

lc-0014vr23.docx : f9dc7025-0f47-43a8-bb99-55b92e266fa0

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

H. 3581 -- Rep. Dillard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 122 EDGEWORTH STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT LIEUTENANT MICHAEL EDWARD THORNTON, UNITED STATES NAVY.

lc-0010hdb-hdb23.docx : ae63ad0b-e017-4f68-9148-317de1c9e8b8

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

H. 3605 -- Reps. G. M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO

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REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

lc-0100ph23.docx : 94c8df83-9c96-4590-b135-17f650ddbdc7

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

H. 3614 -- Reps. Ott, Sandifer, West, Blackwell, Kirby, Caskey, Ballentine and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RATE PAYER PROTECTION ACT"; BY ADDING SECTION 8-27-70 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 8-27-80 SO AS TO PROHIBIT A PUBLIC UTILITY FROM TAKING ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO REPORTED WRONGDOING BY THE PUBLIC UTILITY TO THE OFFICE OF REGULATORY STAFF; AND BY ADDING SECTION 8-27-90 SO AS TO PROVIDE REMEDIES IF A PUBLIC UTILITY TAKES ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO REPORTED WRONGDOING.

lc-0111ph23.docx : 69c0174d-2d82-45fc-a6b4-10d8e3840391

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

H. 3820 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, 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, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon,

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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, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE COMMITTED LABORS OF OUR WATER PROFESSIONALS, WHO SERVE AS GUARDIANS OF OUR WATER, AND TO DECLARE MONDAY, MARCH 6, 2023, AS "WATER PROFESSIONALS DAY" IN SOUTH CAROLINA.

lc-0158vr-cc23.docx : b8515808-adb4-4c5e-9c1d-217b81b9260a

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

REPORTS OF STANDING COMMITTEE

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Adams and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL

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CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY

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TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS

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DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 153 -- Senators Young, Gustafson, Senn, Rankin and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., January 31, 2023

Mr. President and Senators:

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

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 8, 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

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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, 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.

Very respectfully,

Speaker of the House

Received as information.

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

SECOND READING BILL

S. 360 -- Senator Sabb: A BILL TO AMEND ACT 402 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

The Senate proceeded to the consideration of the Bill.

Senator SABB explained the Bill.

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

OBJECTION

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett, Campsen and Turner: 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, 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 MALLOY objected to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED
CARRIED OVER**

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

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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.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-304.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than ~~twenty-five~~one hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Seventy-five percent of each fine collected pursuant to this section shall be credited to State Highway Patrol. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender's motor vehicle insurer.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-304.JG0003S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than ~~twenty-five~~one hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of

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this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Seventy-five percent of each fine collected pursuant to this section shall be credited to the ticketing agency. Notwithstanding Section 56-1-640, a violation of this section must not be:

- (a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;
- (b) included in the criminal records maintained by SLED; or
- (c) reported to the offender's motor vehicle insurer.

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator BENNETT spoke on the Bill.

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

CARRIED OVER

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.

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

CARRIED OVER

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

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HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

AMENDMENT PROPOSED, CARRIED OVER

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.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-375.AA0001S):

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1538(I) and inserting:

(I) The driver of a vehicle shall ensure that the 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 when the stopped vehicle is displaying flashing hazard lights. The exercise of control required for a driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision or to prevent causing injury to persons or property.

Renumber sections to conform.

Amend title to conform.

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

CARRIED OVER

S. 165 -- Senators Climer and Allen: 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-

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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.

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

CARRIED OVER

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 466 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 467 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 468 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 469 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

The Senate proceeded to the consideration of the Resolution.

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Senator MASSEY explained the Resolution.

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

CARRIED OVER

S. 470 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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 OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

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

ADOPTED

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.

The Resolution was adopted, ordered sent to the House.

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".

The Resolution was adopted, ordered returned to the House.

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

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MOTION ADOPTED

At 1:38 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

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

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 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 the consideration of the Bill.

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Senator FANNING spoke on the Bill.

The question then being third reading of the Bill.

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

Statement by Senator MALLOY

S. 39, while touted as a major piece of education reform legislation, may not make the substantive changes needed to improve our state's schools. To my mind, any such change measure worth the body's valuable time and its considered debate must answer a key question: what are we doing for children? From the debate in the Body, it would seem that the emphasis of this Bill has become what we are not doing for children. We are not ensuring that the children most in need are able to access a new and potentially greatly improved academic setting; the Bill now allows families with six-figure incomes to use state dollars to supplement their incomes. Second, we are not ensuring that vulnerable children have the ability to leave what might be a personally challenging public school environment; the Bill does not include basic nondiscrimination provisions. This means children who have been raised differently, live differently or worship differently can be turned away at schoolhouse doors. Finally, we are not guaranteeing our children a high-quality educational experience. The Bill lacks basic academic accountability measures that would ensure that the General Assembly can fully and regularly evaluate the schools we are now subsidizing.

Over the next three years, S. 39 will cost over \$190 million to the taxpayers of South Carolina. How many high-quality teachers could we hire with \$190 million? How many hours of tutoring could be provided to students who need extra time and assistance with \$190 million? How many support services such as mental health counseling, social work, afterschool programs, or specialized career counseling could we provide -- all proven interventions -- instead of underwriting private schools to the tune of \$190 million?

I do not see S. 39 as the systemic change needed to provide students in our State a better chance at a successful life via improved education outcomes. We are largely doing something not to better the outcomes of students, but to better the bottom lines of private schools. Further, the research and data outcomes from similar voucher programs in other states does not support the investment our State is about to make in this untested, largely unaccountable program. I am uncomfortable with the

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notion that students' rights are not unambiguously and explicitly enumerated in the Bill and foresee myriad situations where parents and students are turned away from private schools on pretext to maintain homogenous classrooms. Private schools with private revenue, selective admissions policies and freedom from any regulatory oversight will continue to thrive without the public dollars we are committing to them today. I much prefer pursuing ways we can support students to excel in our public schools. There are teachers and leaders and families who are working tirelessly to help children. I believe our priorities have become diverted. We need to focus our attention, energy, resources and best ideas on making sure all public schools are excellent in our State.

For these reasons, I voted against the Bill.

AMENDED, READ THE SECOND TIME

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, 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, 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.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN proposed the following amendment (SR-164.KM0008S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-7-130(1) through (7) and inserting:

(1) "Affected person" means the applicant, a person residing within the geographic area served or to be served by the applicant, persons located in the health service area in which the project is to be located and who provide similar services to the proposed project, persons who before receipt by the department of the proposal being reviewed have formally

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indicated an intention to provide similar services in the future, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. Persons from another state who would otherwise be considered “affected persons” are not included unless that state provides for similar involvement of persons from South Carolina in its Certificate of Need process.

(2) “Ambulatory surgical facility” means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day. The owner or operator makes the facility available to other providers who comprise an organized professional staff.

(3) “Birthing center” means a facility or other place where human births are planned to occur. This does not include the usual residence of a mother, any facility that is licensed as a hospital, or the private practice of a physician who attends a birth.

~~(3)~~(4) “Board” means the State Board of Health and Environmental Control.

~~(4)~~(5) Reserved. “Children, adolescents, or young adults in need of mental health treatment” in a residential treatment facility means a child, adolescent, or young adult under the age of twenty-one who manifests a substantial disorder of cognitive or emotional process that lessens or impairs to a marked degree that child’s, adolescent’s, or young adult’s capacity either to develop or to exercise age-appropriate or age-adequate behavior, including, but not limited to, marked disorders of mood or thought processes; severe difficulties with self-control or judgment, including behavior dangerous to himself or others; and serious disturbances in a child’s, adolescent’s, or young adult’s ability to care for or relate to others.

~~(5)~~(6) “Competing applicants” means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a time frame as established by departmental regulations and whose applications, if approved, would exceed the need for services or facilities.

(7) “Community residential care facility” means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.

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~~(7)~~(8) “~~Day-care Daycare~~ facility for adults” means a facility for adults eighteen years or older ~~which that~~:

(a) offers in a group setting a program of individual and group activities and therapies; ~~The program~~

(b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day, ~~thereby preventing~~ in order to prevent unnecessary institutionalization; and

Amend the bill further, SECTION 3, by striking Section 44-7-130(8) through 13 and inserting:

~~(8)~~(9) “Department” means the Department of Health and Environmental Control.

~~(9)~~(10) “~~The federal act~~” means ~~Title VI of the United States Public Health Service Act (the Hill Burton Construction Program); Title XVI of the United States Public Health Service Act (National Health Planning and Resources Development Act of 1974—Public Law 93-641); grants for all center and facility construction under Public Law 91-211 (community mental health centers’ amendments to Title II, Public Law 88-164, Community Mental Health Centers Act); grants for all facility construction under Public Law 91-517 (developmental disabilities services and facilities construction amendments of 1970 to Part C, Title I, grants for construction of facilities for persons with intellectual disability Public Law 88-164); and other federal programs as may exist or be enacted which provide for the construction of hospitals or related health facilities.~~ ‘Facility for chemically dependent or addicted persons’ means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.

(11) “Facility wherein abortions are performed” means a facility, other than a hospital, in which any second-trimester or any five or more first-trimester abortions are performed in a month.

(12) “Freestanding emergency service” or “off-campus emergency service” means an extension of an existing hospital emergency department that is intended to provide comprehensive emergency service but does not include a service that does not provide twenty-four hour, seven day per week operations or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not advertise, or

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display or exhibit any signs or symbols, that would identify the service as a freestanding emergency service.

~~(10)~~(13) “Health care facility” means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, or narcotic treatment programs, ~~and any other facility for which Certificate of Need review is required by federal law.~~

~~(11)~~(14) “Health service” means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health services ~~for which specific standards or criteria are prescribed in the State Health Plan.~~

~~(12)~~(15) “Hospital” means a facility that is organized and administered to provide overnight medical or surgical care or nursing care of for an illness, injury, or infirmity and must provide on-campus emergency services; that and may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy. ~~Hospital~~ “Hospital” may include a residential treatment facility for children, ~~and adolescents, or young adults~~ in need of mental health treatment ~~which are~~ that is physically a part of a licensed psychiatric hospital. This definition does not include facilities ~~which that~~ are licensed by the Department of Social Services. A residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically a part of a licensed psychiatric hospital is not required to provide on-campus emergency services.

(16) “Intermediate care facility for persons with an intellectual disability” means a facility that serves four or more persons with an intellectual disability or persons with related conditions and that provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

~~(13)~~(17) “Nursing home” means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

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Amend the bill further, SECTION 3, by striking Section 44-7-130~~(15)~~ and ~~(16)~~ and inserting:

~~(15)~~(18) “Person” means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(19) “Radiation therapy facility” means a person or a health care facility that provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.

~~(16)~~(20) “Residential treatment facility for children and adolescents” means a facility operated for the assessment, diagnosis, treatment, and care of two or more “children and adolescents in need of mental health treatment” which provides:

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(17)~~ and inserting:

~~(17)~~(21) “Solely for research” means a service, procedure, or equipment which has not been approved by the Food and Drug Administration (FDA) but which is currently undergoing review by the FDA as an investigational device. FDA research protocol and any applicable Investigational Device Exemption (IDE) policies and regulations must be followed by a facility proposing a project “solely for research”.

Amend the bill further, SECTION 3, by striking Section 44-7-130~~(20)~~ and ~~(21)~~ and inserting:

~~(20)~~(22) “Freestanding or mobile technology” means medical equipment owned or operated by a person other than a health care facility for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.

~~(21)~~(23) “Like equipment with similar capabilities” means medical equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.

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Amend the bill further, SECTION 3, by striking Section 44-7-130(26) and inserting:

~~(26)~~(24) “Crisis stabilization unit facility” means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.

Amend the bill further, by deleting SECTION 4.

Amend the bill further, SECTION 5.A., by striking Section 44-7-150(B) and inserting:

(B) Fee schedules authorized by Article 3, Chapter 7, Title 44 that are in effect as of January 1, 2023, shall remain in effect until further regulations are promulgated pursuant to Section 44-7-150(5), as amended by this act.

Amend the bill further, SECTION 7, by striking Section 44-7-160(A) and inserting:

(A) A person or ~~health care facility~~ nursing home as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new ~~health care facility~~ nursing home;

(2) a change in the existing bed complement of a ~~health care facility~~ nursing home through the addition of one or more beds or change in the classification of licensure of one or more beds;

(3) an expenditure by or on behalf of a ~~health care facility~~ nursing home in excess of an amount to be prescribed by regulation which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44-7-170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a ~~health care facility~~ nursing home which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a ~~health care facility~~ nursing home which has not been offered by the facility in the

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preceding twelve months and for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(6) the acquisition of medical equipment by or on behalf of a nursing home which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators DAVIS and CLIMER proposed the following amendment (SR-164.JG0013S), which was adopted:

Amend the bill, as and if amended, SECTION 7, by striking Section 44-7-160 and inserting:

(A) ~~A person or health care facility~~ nursing home as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new ~~health care facility~~ nursing home;

(2) a change in the existing bed complement of a ~~health care facility~~ nursing home through the addition of one or more beds or change in the classification of licensure of one or more beds;

(3) an expenditure by or on behalf of a ~~health care facility~~ nursing home in excess of an amount to be prescribed by regulation which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44-7-170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a ~~health care facility~~ nursing home which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a ~~health care facility~~ nursing home which has not been offered by the facility in the preceding twelve months and for which specific standards or criteria are prescribed in the South Carolina Health Plan;

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(6) the acquisition of medical equipment which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation.

(B) A person or health care facility, as defined in this article, is required to obtain a Certificate of Need from the department before undertaking the construction or establishment of an ambulatory surgical facility with more than eight operating rooms.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators DAVIS and CLIMER proposed the following amendment (SR-164.KM0018S), which was withdrawn:

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

SECTION - Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-266. (A) In order to be licensed by the department, a hospital is prohibited from using non-compete clauses in any employment agreements. A licensed hospital is prohibited from enforcing any terms of a non-compete clause in an employment agreement signed by a physician prior to the effective date of this section.

(B) In order to be licensed by the department, a hospital is prohibited from using economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing hospital medical staff membership or privileges.

SECTION - Chapter 47, Title 40 of the S.C. Code is amended by adding:

Section 40-47-60. In order to be licensed to practice medicine in this State, a physician is prohibited from using non-compete clauses in any physician employment agreement. A licensed physician is prohibited from enforcing any terms of a non-compete clause in an employment agreement signed by a physician prior to the effective date of this section.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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RECESS

At 5:15 P.M., on motion of Senator SETZLER, the Senate recessed from business not to exceed 3 minutes.

At 5:18 P.M., the Senate resumed.

On motion of Senator DAVIS, the amendment was withdrawn.

The question then was second reading of the Bill.

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

Ayes 35; Nays 5

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Young	

Total—35

NAYS

Hutto	<i>Johnson, Kevin</i>	McLeod
Sabb	Williams	

Total--5

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

Motion Adopted

Senator MASSEY moved that if and when the Senate adjourns on Thursday, February 2, 2023, it would stand adjourned to meet Friday, February 3, 2023 under the provisions of Rule 1B.

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

Ayes 31; Nays 9

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Davis	Gambrell
Garrett	Goldfinch	Gustafson
Hembree	Hutto	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Reichenbach	Rice	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--31

NAYS

Allen	Fanning	<i>Johnson, Kevin</i>
Kimpson	Matthews	McLeod
Sabb	Senn	Stephens

Total--9

The motion was adopted.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Rev. Larry Ned Lancaster of Pauline, S.C. Larry was a graduate of Candler School of Ministry. He retired from Harley Bag and Union Camp Companies and was the founding director of The Compassion House. Larry was an avid golfer and member of The Creek Golf Club. Larry was a loving husband and devoted father who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senators GROOMS, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL 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, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Timothy A. Sherman of Moncks Corner, S.C. Timothy was a graduate of Goose Creek High School and a member of Macedonia Christian Church. He worked for the Ports Authority over 30 years. Timothy enjoyed fishing, boating, riding his motorcycle and spending time with family. Timothy was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 5:31 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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