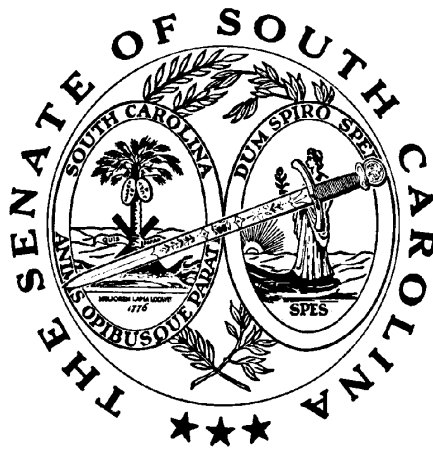


NO. 22

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

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WEDNESDAY, FEBRUARY 15, 2023

**Wednesday, February 15, 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:

Exodus 14:21

We read in Exodus: "Then Moses stretched out his hand over the sea, and all that night the Lord drove the sea back with a strong east wind and turned it into dry land."

Let us pray: Dear God, through the centuries You have unfailingly done what had to be done for Your people. And today we also are aware that -- as others have done -- we likewise are to trust completely in You. So we fervently pray that You will once again use Your powers for good on behalf of these servants of the people, O Lord. By Your grace bless each Senator and every staff aide. Allow them to clearly sense Your presence while You lead them as they accomplish great good for South Carolina during this period of ongoing hardships and struggles. And may we all remember to give You the glory. In Your 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	Allen
Bennett	Cash	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hutto
<i>Johnson, Michael</i>	Kimbrell	Loftis

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Malloy	Martin	Massey
Peeler	Reichenbach	Rice
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

**Leave of Absence**

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

**Leave of Absence**

On motion of Senator SENN, at 1:07 P.M., Senator VERDIN was granted a leave of absence until 2:00 P.M.

**Leave of Absence**

On motion of Senator GOLDFINCH, at 2:16 P.M., Senator RANKIN was granted a leave of absence until 3:00 P.M.

**Leave of Absence**

On motion of Senator GOLDFINCH, at 2:16 P.M., Senator CLIMER was granted a leave of absence until 2:30 P.M.

**CO-SPONSORS ADDED**

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

S. 1	Sen. Kimbrell
S. 96	Sen. Hutto
S. 109	Sen. Loftis
S. 256	Sen. Grooms
S. 282	Sen. Hutto
S. 303	Sen. Talley
S. 483	Sens. Campsen and Bennett
S. 484	Sen. Hutto
S. 533	Sen. Campsen

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 535 -- Senators M. Johnson and Climer: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE

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PASSING OF GENE REED ESAROVE, SR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0277km-vc23.docx : b758124f-562b-44f0-81f9-5231f95ee6ba

The Senate Resolution was adopted.

S. 536 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE ROGER WILLIAMS UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-THREE YEARS OF DEDICATED SERVICE WITH THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0278km-hw23.docx : c09d85a9-496d-4ab5-a5e3-e78005a9e28b

The Senate Resolution was adopted.

S. 537 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-5-25 SO AS TO PROVIDE THAT A HEALTHCARE SHARING MINISTRY IS A NONPROFIT, TAX-EXEMPT ORGANIZATION THAT ESTABLISHES CRITERIA AND PROCEDURES TO FACILITATE MATCHING PARTICIPANTS HAVING FINANCIAL OR MEDICAL NEEDS WITH OTHER PARTICIPANTS WHO ARE ABLE TO ASSIST IN MEETING THOSE NEEDS OR THAT HELPS PROVIDE FOR THE FINANCIAL OR MEDICAL NEEDS OF A PARTICIPANT THROUGH CONTRIBUTIONS OF ANOTHER PARTICIPANT AND TO FURTHER PROVIDE THAT SUCH A HEALTHCARE SHARING MINISTRY IS NOT INSURANCE.

sr-0054jg23.docx : 4d5a13b6-a6bd-4889-9e58-d494796380b5

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

S. 538 -- Senators Kimbrell, M. Johnson, Adams, Reichenbach and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-15 SO AS TO LIMIT TENURE AND TO PROVIDE THAT INSTITUTIONS OF HIGHER LEARNING MUST CREATE A TENURE REVIEW PROCESS.

sr-0010km23.docx : bebf60c9-a1db-49cb-a0da-af8223576e85

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

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S. 539 -- Senators Matthews, Kimpson and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-13-40, RELATING TO THE AUTHORIZATION TO PRACTICE IN REGISTERED SALONS, SO AS TO ADD A REFERENCE TO ANY LOCATION LISTED IN SECTION 40-13-110; BY AMENDING SECTION 40-13-110, RELATING TO GROUNDS FOR THE STATE BOARD OF COSMETOLOGY TO REVOKE, SUSPEND, OR RESTRICT A LICENSE, SO AS TO PROVIDE EXEMPTIONS FOR CERTAIN LOCATIONS TO PRACTICE OR ATTEMPT TO PRACTICE COSMETOLOGY.

lc-0065ha23.docx : b4ed47c5-4826-4d81-8bb5-44019b45ea8a

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

S. 540 -- Senators Kimbrell, M. Johnson, Adams, Garrett and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 63-3-660 SO AS TO PROVIDE MANDATORY IMPRISONMENT FOR A PARTY TO A PROCEEDING IN FAMILY COURT WHO COMMITS PERJURY; AND BY AMENDING SECTION 63-15-220, RELATING TO PARENTING PLANS, SO AS TO PROVIDE A PRESUMPTION, REBUTTABLE BY A PREPONDERANCE OF THE EVIDENCE, THAT JOINT CUSTODY IS IN THE BEST INTEREST OF THE CHILD WHERE CUSTODY IS CONTESTED.

sr-0030jg23.docx : 54d0cbd2-f9c0-4e56-9d93-285456584313

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

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

lc-0004ph23.docx : a27113fe-4b0c-4121-9ade-330591a54ee6

Read the first time and referred to the Committee on Fish, Game and Forestry.

**REPORTS OF STANDING COMMITTEE**

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

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S. 282 -- Senators Campsen, Davis and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 25 TO TITLE 51, SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT FOR THE FUND ANNUALLY, TO PROVIDE THAT FUNDING FOR ANNUAL MONITORING AND EVALUATION OF EROSION RATES AND BEACH PROFILES MUST BE PROVIDED BY THE TRUST FUND; AND TO REPEAL CHAPTER 40 OF TITLE 48, RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

Ordered for consideration tomorrow.

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

S. 484 -- Senators Campsen and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

Ordered for consideration tomorrow.

**WEDNESDAY, FEBRUARY 15, 2023**

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

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

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

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.

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

S. 33 -- Senators Hutto and Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

Senator MASSEY spoke on the Bill.

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**Recorded Vote**

Senator CORBIN desired to be recorded as voting against the third reading of the Bill.

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

The following Bill was read the third time and ordered sent to the House:

S. 96 -- Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

The Senate proceeded to the consideration of the Bill.

The question being third reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis

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Fanning	Gambrell	Garrett
Goldfinch	Grooms	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

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

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

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

S. 134 -- Senators Hembree, Gustafson, Verdin, Climer and Campsen:  
A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY  
ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC  
ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING  
SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES  
THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH  
MEETINGS, TO EXTEND APPLICABILITY OF THESE  
PROVISIONS TO THE GOVERNING BODIES OF CHARTER  
SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY  
IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED  
REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND  
TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE  
IMPLEMENTED BEFORE JULY 1, 2024.

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S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

Senator SHEALY spoke on the Bill.

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

**COMMITTEE AMENDMENT ADOPTED  
READ THE THIRD TIME, SENT TO THE HOUSE**

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL

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BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-380.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 63-7-1705(B)(3) and inserting:

(3) the child's guardian ad litem;

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill, as amended.

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

**Ayes 41; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett

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Goldfinch	Grooms	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**AMENDMENT PROPOSED, OBJECTION**

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

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SR-304.JG0004S):

Amend the bill, as and if amended, SECTION 1, Section 56-5-1885©, by adding an item to read:

(2)(a) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted

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electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(b) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subitem (a) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

© The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(d) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2024 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2024 Session.

Renummer sections to conform.

Amend title to conform.

Senator CORBIN objected to further consideration of the Bill.

**RECOMMITTED**

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.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

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.

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On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

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.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

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.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

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.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**AMENDMENT PROPOSED, OBJECTION**

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A

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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.

The Senate proceeded to the consideration of the Bill.

Senators KIMBRELL and ADAMS proposed the following amendment (SR-1.JG0006S):

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80. (A) A person who unlawfully and wilfully delivers, dispenses, or otherwise provides fentanyl, a narcotic, or any controlled or noncontrolled substance as defined in Section 44-53-110 that also contains fentanyl, or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of fentanyl or fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

Senator HUTTO objected to further consideration of the Bill.

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**READ THE SECOND TIME**

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

The Senate proceeded to the consideration of the Bill.

The question then being the second reading of the Bill.

**Motion Adopted**

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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

**OBJECTION**

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer and Campsen: 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, 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.

Senator HEMBREE objected to consideration of the Bill.

**AMENDED, READ THE SECOND TIME**

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

The Senate proceeded to the consideration of the Bill.

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Senator M. JOHNSON proposed the following amendment (SR-342.JG0002S), which was adopted:

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

SECTION 1. Section 63-1-40 of the S.C. Code is amended to read:

Section 63-1-40. When used in this title and unless otherwise defined or the specific context indicates otherwise:

- (1) "Child" means a person under the age of eighteen.
- (2) "Court" means the family court.
- (3) "Guardian" means a person who legally has the care and management of a child.
- (4) "Judge" means the judge of the family court.
- (5) "Parent" means biological parent, adoptive parents, step-parent, or person with legal custody.
- (6) "Status offense" means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.
- (7) "Child caring facility" means a campus with one or more staffed residences and with a total population of twenty or more children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance.
- (8) "Foster home" means a household of one or more persons who are licensed or approved to provide full-time care for one to five children living apart from their parents or guardians.
- (9) "Residential group care home" means a staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full-time basis.

SECTION 2. Chapter 1, Title 63 of the S.C. Code is amended by adding:

Section 63-1-45. For purposes of developing an accurate statewide count of homeless children and youth in this State, the following statewide definitions shall be used:

(1) "Unaccompanied homeless youth" means an unaccompanied individual twenty-four years of age or younger who is not in the physical custody of a parent or guardian and lacks a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative

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adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings; or

(c) children and youth who live in a supervised publicly- or privately-owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time-limited housing.

(d) “Unaccompanied homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or fewer and meets the criteria in subsections (a), (b), or (c) immediately prior to entering the institution.

(2) “Homeless child or youth” means children and youth from birth through twenty-one years of age who lack a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings;

(c) children and youth who live in a supervised publicly- or privately-owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time-limited housing; or

(d) migratory children as defined in 20 U.S.C. Section 6399, who are legally in the United States, and who qualify as homeless because they are living in circumstances described in subsections (a) through (c).

(e) “Homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or less and met the criteria in subsections (a), (b), or (c) immediately prior to entering the institution.

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(3) “Youth at risk of homelessness” means an individual twenty-four years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future and includes:

(a) children and youth exiting a publicly-funded institution or system of care;

(b) children and youth who have previously experienced homelessness;

(c) children and youth whose primary caregivers are currently homeless or have previously been homeless; or

(d) children and youth who experience serious or sustained conflict with the individual’s caregivers that is likely to result in family separation.

SECTION 3. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

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**Total--0**

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

**CARRIED OVER**

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

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

**CARRIED OVER**

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

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

**CARRIED OVER**

S. 449 -- Senator Climer: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

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

**POINT OF ORDER**

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING

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SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**READ THE SECOND TIME**

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

The Senate proceeded to the consideration of the Joint Resolution.

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Senator DAVIS explained the Joint Resolution.

The question then being the second reading of the Joint Resolution.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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

**ADOPTED**

S. 495 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-81 (SYCAMORE AVENUE) FROM S-6 (MAGNOLIA ROAD) TO S-522 (5TH AVENUE) IN CHARLESTON COUNTY "ANNETTE AND JAMES SMALLS ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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The Resolution was adopted, ordered sent to the House.

H. 3820 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, 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, 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.

The Resolution was adopted, ordered returned to the House.

**Motion Adopted**

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

**ADJOURNMENT**

At 2:39 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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