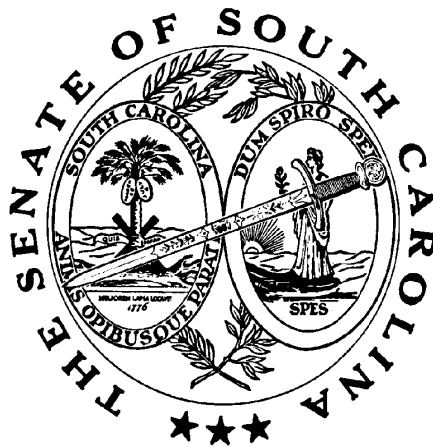


NO. 53

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

TUESDAY, APRIL 11, 2023

Tuesday, April 11, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Genesis 4:9

We recall how in Genesis: “. . . the Lord said to Cain, ‘Where is your brother, Abel?’ ‘I don’t know,’ Cain replied, ‘Am I my brother’s keeper?’ ”

Join me as we bow in prayer: O Glorious Lord, we are reminded by the Cain and Abel story that we truly are to be concerned about the well-being of our sisters and brothers here in South Carolina. None of us can live in ignorance of the neediness nor of the apparent lack of hope for many who surround us. Selfish concern for ourselves and our immediate loved ones alone will simply not do. Therefore, Lord, today we pray that You will touch the hearts of every Senator -- indeed, of every single person here in this State House -- and remind us all how interrelated our lives are with those around us. Lead us all by Your grace, O Lord, to reach out boldly with love and compassion to help the lost and the needy. And may that which we do bring all the more glory to You and to Your blessed name, dear Lord. Amen.

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

Call of the Senate

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

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey

TUESDAY, APRIL 11, 2023

Matthews	McElveen	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large:

Kaala Maple, 1007 Blockade Runner Parkway, Summerville, SC 29485-6317 *VICE* Tammy Wilson

Referred to the Committee on Judiciary.

Doctor of the Day

Senator REICHENBACH introduced Dr. Joseph Hoyle of Florence, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator BENNETT , at 12:15 P.M., Senator GARRETT was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 12:15 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 12:15 P.M., Senator WILLIAMS was granted a leave of absence for today.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

TUESDAY, APRIL 11, 2023

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 95 Sen. Fanning
S. 153 Sen. Davis
S. 164 Sen. Davis
S. 576 Sen. Davis
S. 610 Sen. Shealy

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 533 Sen. Fanning

RECALLED AND ADOPTED

S. 702 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE APRIL 11, 2023, AS "DONATE LIFE DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services.

Senator SHEALY asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator SHEALY, the Resolution was adopted.

RECALLED

S. 704 -- Senator McElveen: A CONCURRENT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE CLEVELAND SCHOOL FIRE AND TO RECOGNIZE MAY 17, 2023, AS "CLEVELAND SCHOOL FIRE MEMORIAL DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

TUESDAY, APRIL 11, 2023

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4000 -- Reps. Jefferson, Cobb-Hunter, Gatch, Robbins, Brewer, Tedder and Murphy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 BEGINNING AT MILE POINT 12.79 AND ENDING AT MILE POINT 22.39 IN DORCHESTER COUNTY "LAVEL 'TYLER' NORMAN DAVIS, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

RECALLED AND ADOPTED

H. 4156 -- Reps. Moss, 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, Hyde, 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, 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 PROMOTE UNDERSTANDING OF THE GROWING RISK OF BLADDER CANCER IN THE UNITED STATES, TO ENCOURAGE RESEARCH

TUESDAY, APRIL 11, 2023

IN THE MEDICAL COMMUNITY TO IDENTIFY THE CAUSES AND DEVELOP A CURE FOR THE DISEASE, AND TO DECLARE MAY 2023 AS “BLADDER CANCER AWARENESS MONTH” IN SOUTH CAROLINA.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator VERDIN, the Resolution was adopted.

RECALLED

H. 4206 -- Reps. Bailey, Alexander, Anderson, Atkinson, 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, Hyde, 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 PROCLAIM APRIL 27, 2023, AS “BOULINEAU’S IGA HERITAGE DAY” IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

TUESDAY, APRIL 11, 2023

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4237 -- Reps. Felder, 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, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, 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 DECLARE AUGUST 8, 2023, "CLOG DANCING DAY" IN THE PALMETTO STATE.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 706 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ROBIN ROBERTS FOR HER PROFESSIONAL ACHIEVEMENTS AND HER COMMITMENT TO HEALTH AND WELLNESS PROMOTION.

sr-0362km-hw23.docx : b7047175-c2a3-48c7-98d5-5d52959e744f

The Senate Resolution was adopted.

TUESDAY, APRIL 11, 2023

S. 707 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE MR. CHARLES RAY SHEALY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0302km-hw23.docx : 5bd4d182-f001-4b08-ba69-69cd7de0da38

The Senate Resolution was adopted.

S. 708 -- Senators Young and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-11-420, RELATING TO DEFINITIONS PERTAINING TO THE SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM, SO AS TO DEFINE CHILD ABUSE MEDICAL SERVICES; AND BY AMENDING SECTION 63-11-430, RELATING TO PROGRAM REQUIREMENTS, SO AS TO PROVIDE FOR THE INCLUSION OF SOUTH CAROLINA NETWORK OF CHILDREN'S ADVOCACY CENTERS AND CHILDREN'S HOSPITALS IN THE PROGRAM.

sr-0087jg23.docx : 187bf8d5-9306-41d8-99b2-03f5f5508343

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

S. 709 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-56-10, RELATING TO THE STATE BOARD OF PYROTECHNIC SAFETY, SO AS TO ADD TWO MEMBERS TO THE BOARD.

sr-0365km23.docx : be7fd254-783f-4eeb-9db6-328fba9bd680

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

S. 710 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: PURCHASE OF GOODS OR SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0302wab-rt23.docx : 3c1b9eee-d32b-4997-8236-43d5ee101b03

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

TUESDAY, APRIL 11, 2023

S. 711 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5140, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0301wab-rt23.docx : d3eb3b7b-9022-4da8-b814-461c5b640425

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

S. 712 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO ASSIST IN FINDING REASONABLE SOLUTIONS TO PROTECT NORTH ATLANTIC RIGHT WHALES AND SOUTH CAROLINA'S COASTAL CULTURE AND ECONOMY.

lc-0258ph-ph23.docx : a5e392d4-66c0-472e-927e-9510ac28f420

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

S. 713 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME PINCKNEY STREET IN THE CITY OF YORK IN YORK COUNTY "DR. MARTIN LUTHER KING, JR. BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 49/SOUTH CONGRESS STREET AND ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 CONTAINING THESE WORDS.

lc-0283cm-cm23.docx : 88930cd2-8eb9-4691-a14d-daf2d09094f3

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

S. 714 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE JULY 22, 2023, AS "FRAGILE X DAY" IN SOUTH CAROLINA IN ORDER TO HELP RAISE AWARENESS OF THE CONDITION AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH FRAGILE X.

lc-0122ha-jn23.docx : 4b691d03-1355-4e52-b312-d70c3050ea65

TUESDAY, APRIL 11, 2023

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

S. 715 -- Senator Davis: A SENATE RESOLUTION TO PROCLAIM WEDNESDAY, APRIL 26, 2023, AS "SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS DAY" THROUGHOUT THE STATE AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS TO THE PALMETTO STATE.

lc-0313wab-ar23.docx : 302d4241-d7d6-40fd-8c6d-f93732ecb93f

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

S. 716 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CLARENCE A. "C.A." SHEALY III, PLS, OWNER OF SHEALY LAND SURVEYING, AND TO CONGRATULATE HIM FOR BEING NAMED THE 2022-2023 SURVEYOR OF THE YEAR.

lc-0267ph-jn23.docx : ad5b4cd2-0fbd-4364-95a0-1e01de5083d5

The Senate Resolution was adopted.

S. 717 -- Senator Williams: A SENATE RESOLUTION TO PROCLAIM SEPTEMBER 2023 AS "CHILDHOOD CANCER AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT THIS CAUSE THAT SO DEEPLY IMPACTS FAMILIES IN EVERY COMMUNITY ACROSS THE STATE AND NATION.

lc-0302cm-gm23.docx : bb11565e-86c2-44b1-ac92-dc7875a84dd2

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

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

lc-0025sa23.docx : 8ccfed9e-77a8-45b6-a080-8095ee3a7ec8

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

TUESDAY, APRIL 11, 2023

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M. M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B. J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

lc-0263wab23.docx : 55647647-cb10-498b-85aa-0f550f877af2

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

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

lc-0181hdb23.docx : 0f6219cd-699f-490b-b013-61dd9aaa6f13

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

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE

TUESDAY, APRIL 11, 2023

DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

lc-0182hdb23.docx : 4d133935-9b13-4c6e-8f60-c05c318b4440

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

H. 4288 -- Reps. Erickson, McGinnis, Ballentine, Alexander, Anderson, Atkinson, Bailey, 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, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, 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 RECOGNIZE APRIL 19, 2023 AS "SOUTH CAROLINA HIGHER EDUCATION DAY."

lc-0312wab-ar23.docx : 3e591fd9-1295-464b-b0c8-fece3b07d15d

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

REPORTS OF STANDING COMMITTEES

Senator ALEXANDER from the Committee on Operations and Management polled out S. 633 favorable:

S. 633 -- Senator Verdin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 2 AND FRIDAY, NOVEMBER 3 AND MONDAY, NOVEMBER 13, 2023. HOWEVER, THE CHAMBER MAY NOT BE

TUESDAY, APRIL 11, 2023

USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

Total--9

NAYS

Total--0

Ordered for consideration tomorrow.

Adopted

S. 633 -- Senator Verdin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON THURSDAY, NOVEMBER 2 AND FRIDAY, NOVEMBER 3 AND MONDAY, NOVEMBER 13, 2023. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator VERDIN, the Resolution was adopted.

TUESDAY, APRIL 11, 2023

Senator SHEALY from the Committee on Family and Veterans' Services polled out H. 3514 favorable:

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J.L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M.M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

**Poll of the Family and Veterans' Services Committee
Polled 17; Ayes 16; Nays 1**

AYES

Shealy	Young	<i>K. Johnson</i>
McElveen	Climer	Fanning
McLeod	Talley	Gambrell
Harpootlian	Adams	Gustafson
<i>M. Johnson</i>	Kimbrell	Stephens
Reichenbach		

TUESDAY, APRIL 11, 2023

Total--16

NAYS

Cash

Total--1

Ordered for consideration tomorrow.

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

OBJECTION

S. 303 -- Senators Shealy, McElveen, Gustafson, Talley, Davis, Adams, Kimbrell, Jackson, Rankin, Harpootlian, M. Johnson, Hutto, Sabb, Matthews, Fanning, Gambrell, Peeler, Cromer, Goldfinch and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Senator CAMPSSEN objected to consideration of the Bill.

TUESDAY, APRIL 11, 2023

CARRIED OVER

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 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.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (SR-3605.JG0005S):

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

SECTION X. This act may be cited as the “Earn and Learn Act of 2023”.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 40 of the S.C. Code is amended by adding:

Section 40-1-77.(A) The purpose of this section is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements.

(B) For purposes of this section:

(1) “Apprenticeship” means a United States Department of Labor-approved and registered apprenticeship or an industry recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board.

TUESDAY, APRIL 11, 2023

(2) “Board” means a board, commission, or panel under the South Carolina Department of Labor, Licensing and Regulation that regulates a profession or occupation and issues a license to an individual. This definition of “board” does not include boards and commissions established and operating pursuant to Chapter 15, Title 54.

(3) “License” means a license, certificate, registration, permit, or other evidence that an individual is qualified to engage in an occupation or profession before that person may engage in or represent himself as a member of an occupation or profession.

(4) “Scope of practice” means the procedures, actions, processes, and work that a person may perform pursuant to a license issued by an occupation’s or profession’s regulatory board.

(C) A board shall issue an initial license pursuant to this section to an applicant, if the applicant:

(1) completes an apprenticeship in an occupation or profession that has a similar scope of practice, as determined by the board, to an occupation or profession regulated by this State through license requirements;

(2) successfully passes requisite examinations;

(3) submits a completed application and pays all applicable fees;

(4) is not otherwise disqualified from licensure because of an applicable criminal conviction; and

(5) completes all other requirements for initial licensure as required by the applicable licensing board in accordance with state law, only if the board imposes the same requirements on other license applicants. A board shall not require an applicant pursuant to this section to complete requirements that exceed the requirements of other license applicants for initial licensure.

(D) If a board denies a license to an applicant under this section, then the board shall:

(1) provide the applicant with a denial in writing; and

(2) explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant’s apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

(E) A license issued pursuant to this section is subject to the same provisions of law governing a license for the occupation or profession.

(F) A board shall not require an applicant pursuant to this section to complete an apprenticeship for a greater duration of time than that which is required pursuant to federal law.

TUESDAY, APRIL 11, 2023

(G) A board may require an applicant pursuant to this section to successfully pass an examination only if the board imposes the same examination requirement on other license applicants. A board shall not require an applicant pursuant to this section to receive a higher score on an examination than the score required of other license applicants.

(H) A board may require an applicant pursuant to this section to pay a licensing fee only if the board imposes a licensing fee on other license applicants. A board shall not impose on an applicant pursuant to this section a licensing fee greater than the licensing fee imposed on other applicants.

(I) A board may promulgate regulations necessary for the implementation of this act.

(J) This section does not apply to:

(1) a licensing entity that does not license individual workers for which there is a board-approved apprenticeship program;

(2) a license that requires the educational equivalent of a bachelor's degree or higher; or

(3) apprenticeship programs that are established by state law.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

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

CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED

TUESDAY, APRIL 11, 2023

VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

RECOMMITTED

S. 642 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; BEAR HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5165, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CAMPSER, the Resolution was recommitted to the Committee on Fish, Game and Forestry.

RECOMMITTED

S. 646 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-PANEL FOR MASSAGE/BODYWORK, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 227, DESIGNATED AS REGULATION DOCUMENT NUMBER 5132, 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. 647 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF ACCOUNTANCY, RELATING TO UPDATING REGULATIONS TO CONFORM WITH THE ENACTMENT OF S. 812, DESIGNATED AS REGULATION DOCUMENT NUMBER 5149, PURSUANT TO THE PROVISIONS OF ARTICLE 1,

TUESDAY, APRIL 11, 2023

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.

CARRIED OVER

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young, Grooms and Fanning: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Resolution.

The Committee on Judiciary proposed the following amendment (SJ-95.PB0012S):

Amend the joint resolution, as and if amended, by striking SECTION 1 and inserting:

SECTION X.A. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and

TUESDAY, APRIL 11, 2023

may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office.

B. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, ~~the Comptroller General~~, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall

TUESDAY, APRIL 11, 2023

continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

C. It is proposed that Section 13, Article X of the Constitution of this State be amended to read:

Section 13. (1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the ~~State Comptroller General~~ Governor shall forthwith levy and the State Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall

TUESDAY, APRIL 11, 2023

thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax

TUESDAY, APRIL 11, 2023

anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities, or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road, or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on the face thereof specifying the sources from which payment is to be made.

Amend the joint resolution further, by striking the undesignated paragraph containing the question to be submitted to the voters and inserting:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Comptroller General from the list of state officers that the Constitution requires to be elected; provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; and require the General Assembly to provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office; and must Section 12, Article IV be amended so as to delete the Comptroller General’s name from the list of elected state constitutional officers a majority of which may submit a written declaration that the Governor is unable to discharge his duties; and must Section 13, Article

TUESDAY, APRIL 11, 2023

X be amended so as to provide if the principal of or interest on any general obligation debt is not paid when due, that instead of an appointed Comptroller General, the Governor, an elected state constitutional officer, shall levy an ad valorem tax to meet the payment?

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

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

OBJECTION

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY HATE CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Senator CASH objected to consideration of the Bill.

CARRIED OVER

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

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

TUESDAY, APRIL 11, 2023

OBJECTION

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3866.PB0004S):

Amend the bill, as and if amended, by deleting SECTION 3.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator KIMBRELL objected to further consideration of the Bill.

CARRIED OVER

S. 698 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, 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 HEMBREE explained the Resolution.

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

TUESDAY, APRIL 11, 2023

ADOPTED

H. 3959 -- Reps. S. Jones, Gilliam, McCravy, Willis and Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY FROM ITS INTERSECTION WITH DOVE FIELD ROAD TO ITS INTERSECTION WITH CRYSTAL BAY DRIVE "SAMUEL J. MCCALL, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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.

MOTION ADOPTED

At 1:23 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

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

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE SECOND TIME

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS

TUESDAY, APRIL 11, 2023

FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

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

Amendment No. 1

Senator HEMBREE proposed the following amendment (SEDU-3532.DB0043S), which was carried over:

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, SECTION 2, by striking Section 17-15-15(D) and inserting:

(D) The provisions of this section do not apply if the defendant is charged with a violent offense, as defined by Section 16-1-60, or any felony offense involving a firearm while out on bond or other pretrial release. If the court, pursuant to the limitations of Section 17-15-30, finds that such defendant may be released pending trial, bond must be set at the full United States currency cash bond to the exclusion of all other forms of bond whether the bond is posted by the defendant or with a bondsman. After the defendant fulfills the conditions of the bond, the clerk shall return the cash bond amount paid to the defendant. However, in the event the defendant is required by the court to make restitution to the victim of his crime, the cash bond may be used for the purpose of such restitution.

Any currency cash bond must be conditioned on the person charged personally appearing before the court specified to answer the charge or indictment and to do and receive what is enjoined by the court, and not to leave the State, and be of good behavior toward all the citizens of the State, or especially toward a person or persons specified by the court. Additionally, the court may impose any other conditions allowed under Chapter 15 of Title 17 and other law.

Amend the bill further, by adding an appropriately numbered SECTION to read:

TUESDAY, APRIL 11, 2023

SECTION X. Section 17-15-30 of the S.C. Code is amended to read:

Section 17-15-30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, on the basis of the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) A court ~~shall~~ must consider:

- (1) a person's criminal record;
- (2) any current charges pending against a person and any prior charges against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status; ~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall provide the court with the following information:

- (a) a person's criminal record;
- (b) any charges pending against a person at the time release is requested;
- (c) all incident reports generated as a result of the offense charged; and
- (d) any other information that will assist the court in determining conditions of release.

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's hearing. Notwithstanding the provisions of this item, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not

TUESDAY, APRIL 11, 2023

proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(D) A court hearing these matters has contempt powers to enforce the provisions of this section.

Amend the bill further, SECTION 3, by striking Section 17-15-55(C), (D), and (E) and inserting:

(C) If a person commits a violent ~~crime~~ offense, as defined in Section 16-1-60, or any felony offense involving a firearm, which was committed when the person was already out on bond for a previous violent ~~crime~~ offense or any felony offense involving a firearm and the subsequent ~~violent crime~~ offense did not arise out of the same series of events as the previous ~~violent crime~~ offense, then:

(1) the bond hearing for the subsequent violent crime original offense must be revoked and a hearing for the subsequent violent offense or any felony offense involving a firearm must be held in the circuit court within thirty days;

(2) during the bond hearing for the subsequent violent offense or felony offense involving a firearm, the court must issue findings of fact and conclusions of law addressing the revocation of bond for the original offense, whether a new bond is issued for the previous offense as well as if bond is appropriate for the subsequent violent offense or felony offense involving a firearm.

(3) if the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. Notwithstanding the provisions of Sections 17-15-15, any bond set for a violent offense or felony offense involving a firearm committed when the person was already out on bond for a previous violent offense or felony offense involving a firearm must be deposited to the court in cash or its equivalent in full, notwithstanding if posted by the person, his representative, or by a bond surety. If a secondary bond is posted by a bond surety, the surety must certify to the court that all costs and fees required by the contract or agreement with the defendant were paid in full at the time of the bonding and that no future payments, fees, or interest are due from the defendant. A failure by the defendant to make payments or to pay fees or interest to a bond surety after the release from custody for any contract or agreement made in violation of this subsection shall not be enforceable in any court;

TUESDAY, APRIL 11, 2023

(4) If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds; and-

(D) (5) If a person commits a violent offense~~crime~~, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for a previous violent ~~crime~~offense or felony offense involving a firearm, and the subsequent ~~violent crime~~offense did not arise out of the same series of events as the previous ~~offenseviolent crime~~, then the arresting law enforcement agency must transmit notice of the second arrest, implicating this subsection (C), to the solicitor of the circuit in which the ~~crime offense~~ was committed and the administrative chief judge of the circuit in which the ~~crime offense~~ was committed. The prosecuting agency must notify any victims of the initial or subsequent ~~crimes~~ offenses pursuant to Chapter 3, Title 16 of any bond hearings.

(D) If a person commits a violent offense, as defined in Section 16-1-60, or felony offense involving a firearm which was committed when the person was already out on bond for two or more previous separate violent offenses or felony offenses involving a firearm for which separate bonds were set, and the subsequent offense did not arise out of the same series of events as the two or more previous separate offenses, and the court determines that under the totality of the circumstances the previous bonds should not be revoked and another bond should be set, any bond set by the court must be deposited in full and may not be posted by any bond surety company.

(E) For the purpose of bond revocation only, a summary-court has concurrent jurisdiction with the circuit court for ~~ten~~ thirty days from the date bond is first set on a charge by the summary court or the date of the grand jury indictment whichever occurs first to determine if bond should be revoked.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 22-5-510 of the S.C. Code is amended to read:

Section 22-5-510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, 1895, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event including, but not limited to, any charges

TUESDAY, APRIL 11, 2023

pending against the person requesting bail. "Violent offenses" as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;
- (5) length of residence in the community;
- (6) record of convictions; and
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(D) A court ~~shall~~must consider:

- (1) a person's criminal record;
- (2) any charges pending against a person at the time release is requested;
- (3) all incident reports generated as a result of an offense charged;
- (4) whether a person is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status;~~and~~
- (5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division; and
- (6) whether a person is currently out on bond for another offense.

(E) Prior to or at the time of the bond hearing, the arresting law enforcement agency ~~shall~~must provide the court with the following information:

- (1) the person's criminal record;
 - (2) any charges pending against the person at the time release is requested;
 - (3) all incident reports generated as a result of the offense charged;
- and

TUESDAY, APRIL 11, 2023

(4) any other information that will assist the court in determining conditions of release.

(F) The arresting law enforcement agency shall inform the court if any of the information required in subsections (C), (D), and (E) is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person's bond hearing. Notwithstanding the provisions of this subsection, when a person is charged with a violation of Chapter 25, Title 16, the bond hearing may not proceed without the person's criminal record and incident report or the presence of the arresting officer. The bond hearing for a violation of Chapter 25, Title 16 must occur within twenty-four hours after the arrest.

(G) A court hearing this matter has contempt powers to enforce these provisions.

SECTION X. Section 24-13-40 of the S.C. Code is amended to read:

Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; ~~or~~ (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the Bill and amendment.

TUESDAY, APRIL 11, 2023

On motion of Senator HEMBREE, the amendment was carried over.

Amendment No. 2

Senator ADAMS proposed the following amendment (SEDU-3532.DB0046S), which was carried over:

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

SECTION X. Section 38-53-10(12) of the S.C. Code is amended to read:

(12) "Surety bondsman" means any person who is approved by and licensed by the director or his designee as ~~an~~ a property and casualty insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-10(15). "Electronic monitoring" means monitoring a person by the use of a device which records or transmits oral or wire communications or an auditory sound, visual images, or information regarding the person's activities.

SECTION X. Section 38-53-50(B) of the S.C. Code is amended to read:

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of premium fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

TUESDAY, APRIL 11, 2023

SECTION X. Section 38-53-70 of the S.C. Code is amended to read:

Section 38-53-70. If a defendant ~~fails to appear at a court proceeding to which he has been summoned~~violates the conditions of release on bond, the court shall issue a bench warrant for the defendant. The court ~~shall must make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy~~provide written or electronic notice of the issuance of the bench warrant within seven-thirty days of its issuance at the clerk of court's office to every party bound in the recognizance. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-83. No person may engage in electronic monitoring of a defendant released by a court of competent jurisdiction pursuant to a bail bond unless that person is qualified and licensed as a professional bondsman, surety bondsman, or runner pursuant to the provisions of this chapter. This section does not apply to any agent or agency of the State, any agent or agency of any county or municipal government in South Carolina, or any agent or agency, department, or division of the federal government.

SECTION X. Chapter 53, Title 38 of the S.C. Code is amended by adding:

Section 38-53-84. (A) A person engaged in electronic monitoring of a defendant must, within forty-eight hours, notify the solicitor having

TUESDAY, APRIL 11, 2023

jurisdiction over the defendant when he becomes aware or should have become aware that the defendant has violated any provision of the court's order for electronic monitoring. Failure of a defendant to timely pay the bondsman the full monthly electronic monitoring fee associated with the cost of the electronic monitoring device and the associated cost of the monitoring service, shall, in and of itself, constitute good cause for the bondsman to file a motion to be relieved on the bond and to surrender the defendant to the custody of the appropriate detention facility pursuant to Section 38-53-50.

(B) Failure of the bondsman to maintain compliance with the reporting requirement of subsection (A) shall be reported to the South Carolina Department of Insurance by the solicitor for administrative action whereby the bondsman's license may be fined, suspended, or revoked.

SECTION X. Section 38-53-170(e) and (f) of the S.C. Code are amended to read:

(e) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of ~~twenty five~~ one hundred dollars or ten percent of the bond, whichever is greater, that must be charged and collected by the bondsman before the execution of the bond. Conditions of the bond which expressly or implicitly require payment of monies in excess of the premium, as a cost of satisfying the condition of the bond, shall not be considered part of the bondsman's premium, and are not affected by this code provision. The bondsman may collect these fees from the defendant and is not limited by any language requirements of this code provision.

However, the bondsman is permitted to enter into a payment agreement by attaching a statement of bondsman to the bond proceeding form and this agreement shall require the principal on the bail bond or any indemnitor to make a minimum down payment of one hundred dollars or five percent, whichever is greater, of the face amount of the bond. This payment agreement may not be altered and must not exceed eighteen months after the date on which the bond was executed. If the payment has not been made for two consecutive months, the bondsman must send a certified notice to the last known address of the principal and indemnitor demanding payment be made within ten days to bring the agreement current. If no payment is received by the end of the notice period, the bondsman must surrender the principal to the proper detention facility for holding and file a motion to be relieved as provided in Section 38-53-50(A) or (B), at which time the agreement must be accelerated, and the balance paid in full, before or at the motion hearing for the principal to be rereleased on bond. The bondsman may accept

TUESDAY, APRIL 11, 2023

collateral security or other indemnity from the principal which must be returned upon within ten days after final termination of liability on the bond unless a bench warrant has been issued. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal's disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. If the bond is forfeited, a bondsman may not convert collateral described in the collateral receipt to cash until he has provided a ten-day notice of this pending conversion to the depositor. This notice must be sent by certified mail to the last know address of the depositor. After the conversion, the bondsman must disclose the actual amount received to the depositor and must return any amount received that exceeds the final judgement or consent amount, less any reasonable expenses. These reasonable expenses include apprehension and legal costs incurred as a result of the violation of the bond. The bondsman must provide the depositor copies of all receipts and, if applicable, the overage money with three days after settlement;

Section 38-53-170(f) of the S.C. Code is amended to read:

(f) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38-53-340 must be reported to the director or his designee by the court within thirty days; or

SECTION X. Section 38-53-310 of the S.C. Code is amended to read:

Section 38-53-310. (A) Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month, showing:

(B) Each surety bondsman shall, within thirty days of executing a bail bond, file with their respective insurance provider a written or electronic report in a form approved by the director or his designee detailing all bail bonds on which he has caused to be executed.

(C) The reports referenced in subsections (A) and (B) shall include the following:

— ~~(a)~~ (1) each individual bonded;

TUESDAY, APRIL 11, 2023

- ~~(b)(2)~~ the date the bond was given;
- ~~(e)(3)~~ the principal sum of the bond;
- ~~(d)(4)~~ the state or local official with whom the bond was filed;
- ~~(e)(5)~~ the fee charged for the bonding service in each instance; ~~and~~
- ~~(f)(6)~~ all pending bonds; and
- (7) any current data on monies to be collected and retained as an express condition of the bond, whether for electronic monitoring or otherwise.

(D) In lieu of the monthly submission of a written report to the clerk of court, the bondsman may utilize a data management software system, which contains the above required current information, and is capable of providing the appropriate clerk of court or his designee with real-time access to the data management system through a portal, website, or other data access system through which the clerk of court can confirm he has access to the required information.

Renumber sections to conform.

Amend title to conform.

Senator ADAMS explained the amendment.

On motion of Senator ADAMS, the amendment was carried over.

Amendment No. 3A

Senator HARPOOTLIAN proposed the following amendment (SMIN-3532.MW0049S), which was carried over:

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

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-280. (A) To protect the fundamental rights of the accused and to advance the state's interest in speedy resolution of criminal trials, any person charged with a noncapital offense who is denied bond shall be brought to trial within one year of arrest or be released on his own recognizance.

(B) It shall be the duty of the court to ensure that the defendant is tried within the time specified above. No trial shall commence unless the prosecuting attorney first certifies to the court that discovery was fully produced at least thirty days prior and that all exculpatory information possessed by the prosecution team, including law enforcement, has been disclosed to the defendant and his counsel.

TUESDAY, APRIL 11, 2023

(C) Any extension of time requested and obtained by the defendant, on any delay attributable to the defendant's post-arrest conduct, shall be excluded from any calculation of the trial deadline.

(D) Any court of competent jurisdiction that finds that a defendant has not been brought to trial within the time set forth above, shall release the defendant on his own recognizance pursuant to conditions set forth in Section 17-15-10(A), unless good cause be shown to the court and the court makes a finding of fact, memorialized in written order, and a certain trial date set.

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

On motion of Senator HARPOOTLIAN, the amendment was carried over.

Amendment No. 4

Senator MALLOY proposed the following amendment (SJ-3532.BM0047S):

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

SECTION X. Chapter 15, Title 17 of the S.C. Code is amended by adding:

Section 17-15-500. (A) There is established the South Carolina Pretrial Reform Commission composed of fifteen members as follows:

(1) three members to be appointed by the Chairman of the Senate Judiciary Committee;

(2) three members to be appointed by the Chairman of the House of Representatives Judiciary Committee;

(3) three members of the judiciary to be appointed by the Chief Justice of the South Carolina Supreme Court;

(4) three members of the executive branch to be appointed by the Governor; and

(5) three members of the directly impacted community, including one crime survivor, one person that has been through the pretrial system, and a community member at large to be jointly appointed by the chairmen of both the House and Senate Judiciary Committees.

(B) The members of the commission may begin meeting when at least a quorum has been appointed and shall elect one member to serve as chairman. A quorum shall consist of at least eight members.

TUESDAY, APRIL 11, 2023

(C) The primary duty of the South Carolina Pretrial Reform Commission is to prepare a comprehensive report that reviews and recommends:

(1) appropriate changes to the current pretrial system for all criminal offenses;

(2) maintaining, amending, or abolishing the current system for determining pretrial release or detention; and

(3) guidelines for legislation to improve the processing of cases in the Court of General Sessions, community safety, and court appearance outcomes.

(D) The purpose of the report is to enable the General Assembly to consider the Pretrial Reform Commission's findings and determine whether state laws should be amended.

(E) In making its recommendations, the commission must consider current case processing and correctional resources including, but not limited to, the capacities of local jails, community-based service providers, and state courts.

(F) The Pretrial Reform Commission must deliver its report and recommendations to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee no later than July 1, 2024, and the commission shall terminate when the report is made.

(G) The Supreme Court shall provide appropriate staff for the commission. The Chairman of the Senate Judiciary Committee may provide additional staff for the Senate members, and the Chairman of the House Judiciary Committee may provide additional staff for the House members.

(H) Members of the Pretrial Reform Commission may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

(I) The commission is encouraged to apply for and may expend federal funds, grants, and gifts it receives from other sources to carry out its duties and responsibilities.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

TUESDAY, APRIL 11, 2023

Motion Adopted

Senator MALLOY 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.

Motion Adopted

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

MOTION ADOPTED

On motion of Senators PEELER, CLIMER, FANNING and M. JOHNSON with unanimous consent, the Senate stood adjourned out of respect to the memory of Judge John Calvin Hayes III of Rock Hill, S.C. Judge Hayes was a graduate of Winthrop Training School and the University of South Carolina. He joined the army as a reservist and then began law school at the University of South Carolina in 1967. Judge Hayes served in the South Carolina House of Representatives from 1981-1984 and in the Senate from 1984-1991. He served on many committees including the South Carolina Coastal Council from 1980-1991. In May of 1991, he was elected as a judge to the 16th Judicial Circuit where he served until his retirement in 2017. Judge Hayes was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Pansy Ridgeway of Manning, S.C. Pansy was a graduate of Furman University and the former co-owner and operator of Polly & Pansy's Shoppe. She served as Mayor of Manning for twenty-six years and was the first female City Council member where she served for eight years. Pansy chaired the Santee-Lynches Council and was the first woman president of the South Carolina Municipal Association. She received the Order of the Palmetto from former Governor Richard W. Riley and was a member of First Baptist Church of Manning. Pansy was a loving sister and devoted aunt who will be dearly missed.

TUESDAY, APRIL 11, 2023

ADJOURNMENT

At 3:27 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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TUESDAY, APRIL 11, 2023
SENATE JOURNAL INDEX

Amendment No. 1.....	27	S. 713.....	8
Amendment No. 2.....	33	S. 714.....	8
Amendment No. 3A.....	37	S. 715.....	9
Amendment No. 4.....	38	S. 716.....	9
S. 95.....	19	S. 717.....	9
S. 303.....	14		
S. 604.....	26	H. 3014	24
S. 633.....	11, 12	H. 3142	9
S. 640.....	17	H. 3209	24
S. 641.....	17	H. 3514	13
S. 642.....	18	H. 3532	26
S. 646.....	18	H. 3605	15
S. 647.....	18	H. 3866	25
S. 698.....	25	H. 3959	26
S. 702.....	3	H. 4000	4
S. 704.....	3	H. 4122	10
S. 706.....	6	H. 4156	4
S. 707.....	7	H. 4206	5
S. 708.....	7	H. 4215	10
S. 709.....	7	H. 4216	10
S. 710.....	7	H. 4237	6
S. 711.....	8	H. 4288	11
S. 712.....	8		