

NO. 2

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, JANUARY 12, 2022

Wednesday, January 12, 2022
(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:

Micah 6:8

The prophet Micah reminds us that: "He has told you, O mortal, what is good; and what does the Lord require of you but to do justice and to love kindness, and to walk humbly with your God."

Please join your heart with mine as we pray: Holy God, we are so often moved by the simple beauty of holy texts that speak to us in ways profound and so often personally meaningful. This simple verse from Micah the prophet is one such, calling each of us to pause, to reflect, to take stock of what we're all about. Surely, Lord, it is fitting for this Body, the Senate of South Carolina, to do this very thing: to ascertain that what we are seeking for the people of our State is truly in accord with Your own wishes, dear God. To that end, we pray that You will speak clearly this term to these leaders, that You will guide them in their debates, in their committee meetings, in all of the decisions that they will need to make over the weeks and months ahead. And grant that the end result demonstrates fully the wisdom of these Senators as they walk humbly with You. So we pray in Your loving name, Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2021, and to expire June 30, 2025

At-Large/Chairman:

John Robert Bolchoz, P.O. Box 6989, Columbia, SC 29260-6989
VICE Mark Elam

WEDNESDAY, JANUARY 12, 2022

Referred to the Committee on Medical Affairs.

Local Appointment

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James W. Rickenbacker, 220 Oakridge Dr., Orangeburg, SC 29115-3923 *VICE* Samuel A. Daily

Doctor of the Day

Senator MALLOY introduced Dr. John C. Ropp III of Hartsville, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MASSEY, at 1:30 P.M., Senators CORBIN and GROOMS were granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 1:30 P.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator K. JOHNSON, at 4:31 P.M., Senator McELVEEN was granted a leave of absence for today.

Expression of Personal Interest

Senator MATTHEWS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 104 Sen. Kimbrell
S. 248 Sens. McElveen and Bennett
S. 290 Sen. Kimbrell
S. 811 Sen. Climer
S. 901 Sens. McElveen and Adams

CO-SPONSOR REMOVED

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

S. 811 Sen. Martin

WEDNESDAY, JANUARY 12, 2022

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 963 -- Senator Senn: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DEPUTY MICAH COX, FIRST SERGEANT HUGER MCCLELLAN, AND TEMS OPERATOR MERIDITH LEVENTIS FOR THEIR MANY CONTRIBUTIONS TO THE CHARLESTON COUNTY COMMUNITY AND CONGRATULATE THEM FOR RECEIVING THE MEDAL OF VALOR.

l:\s-res\ss\018mica.kmm.ss.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 964 -- Senator Senn: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DEPUTY NICHOLAS VECCHIONE FOR HIS MANY CONTRIBUTIONS TO THE CHARLESTON COMMUNITY AND CONGRATULATE HIM FOR RECEIVING THE MEDAL OF VALOR.

l:\s-res\ss\017nich.kmm.ss.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 965 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "CONTRABAND CELL PHONE ACT" BY ADDING CHAPTER 4 TO TITLE 24 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ALLOW SUPERVISING LAW ENFORCEMENT OFFICERS WITH REASONABLE SUSPICION TO BELIEVE THAT CONTRABAND CELL PHONES EXIST IN A PRISON OR LOCAL DETENTION FACILITY TO AUTHORIZE THE USE OF ANY ELECTRONIC DEVICE TO DETECT AND CONFIRM SUCH PRESENCE, TO ALLOW SUPERVISING LAW ENFORCEMENT OFFICERS WHO CONFIRM THE PRESENCE OF CONTRABAND CELL PHONES TO APPLY FOR AN EX PARTE ORDER REQUESTING SUSPENSION OF SERVICE FOR SUCH CONTRABAND CELL PHONES, TO AUTHORIZE THE CIRCUIT COURTS OF THIS STATE TO ISSUE EX PARTE ORDERS REQUIRING CELLULAR SERVICE PROVIDERS TO SUSPEND CELLULAR SERVICE TO IDENTIFIED CONTRABAND CELL PHONES, TO REQUIRE CELLULAR SERVICE PROVIDERS TO DISCONTINUE CELLULAR SERVICE TO CONTRABAND CELL PHONES UPON RECEIPT OF ORDERS ISSUED PURSUANT TO THIS CHAPTER, TO ALLOW CELLULAR

WEDNESDAY, JANUARY 12, 2022

SERVICE SUBSCRIBERS AFFECTED BY ORDERS ISSUED PURSUANT TO THIS CHAPTER TO CHALLENGE THE SUSPENSION OF SERVICE, AND TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO CERTAIN PERSONS AND ENTITIES FOR COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.
l:\council\bill\ncd\11291hb22.docx

Read the first time and referred to the Committee on Corrections and Penology.

S. 966 -- Senators Rankin, Campsen, Sabb, Matthews, Talley and Harpootlian: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION; TO REPEAL SECTION 7-19-35 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; TO AUTHORIZE THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE TO INTERVENE IN ANY STATE OR FEDERAL ACTION CONCERNING THIS LEGISLATION; TO AUTHORIZE THE PRESIDENT OF THE SENATE TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE SENATE REGARDING REDISTRICTING; AND TO AUTHORIZE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO INITIATE OR OTHERWISE PARTICIPATE IN LITIGATION ON BEHALF OF THE HOUSE REGARDING REDISTRICTING.

l:\s-jud\bill\rankin\jud0035.pb.docx

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

S. 967 -- Senator Alexander: A BILL TO AMEND SECTION 56-5-2360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF A MOTOR VEHICLE THAT IS APPROACHED BY AN AUTHORIZED EMERGENCY VEHICLE, SO AS TO INCREASE THE PENALTY FOR A VIOLATION AND TO PROVIDE A PENALTY WHEN A VIOLATOR CAUSES DAMAGE TO PROPERTY OR CAUSES GREAT BODILY INJURY OR DEATH; TO AMEND SECTION 56-5-1538, RELATING TO EMERGENCY SCENE MANAGEMENT AND PERSONS WHO FAIL TO PROCEED WITH CAUTION UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE A DIFFERENT

WEDNESDAY, JANUARY 12, 2022

PENALTY FOR A VIOLATION AND TO PROVIDE A PENALTY WHEN A VIOLATOR CAUSES DAMAGE TO PROPERTY OR CAUSES GREAT BODILY INJURY OR DEATH; TO AMEND SECTION 56-5-1960, RELATING TO THE PROHIBITION ON FOLLOWING FIRE APPARATUS, SO AS TO INCREASE THE PENALTY FOR A VIOLATION AND TO PROVIDE A PENALTY WHEN A VIOLATOR CAUSES DAMAGE TO PROPERTY OR CAUSES GREAT BODILY INJURY OR DEATH; AND TO AMEND SECTION 56-5-3850, RELATING TO THE PROHIBITION ON CROSSING OVER A FIRE HOSE, SO AS TO INCREASE THE PENALTY FOR A VIOLATION.

l:\council\bill\nbd\11281dg21.docx

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

S. 968 -- Senators Alexander and Climer: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 25 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF VETERANS' AFFAIRS, BY ADDING SECTION 25-11-85 TO ESTABLISH THE "VETERANS SERVICE ORGANIZATION BURIAL HONOR GUARD SUPPORT FUND" TO HELP OFFSET THE COSTS INCURRED BY SOUTH CAROLINA CHAPTERS OF CONGRESSIONALLY CHARTERED VETERANS SERVICE ORGANIZATIONS IN PROVIDING HONOR GUARD BURIAL DETAILS AT THE FUNERALS OF QUALIFYING SOUTH CAROLINA MILITARY VETERANS, AND TO DEFINE RELEVANT TERMS.

l:\s-res\tca\056buri.kmm.tca.docx

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

S. 969 -- Senators Garrett, Kimbrell, Rice, Adams, Talley, Cash, M. Johnson, Gustafson, Hembree, Loftis, Shealy, Peeler, Climer, Gambrell, Turner and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-325 TO AUTHORIZE THE STATE BOARD OF EDUCATION TO MAKE RULES AND REGULATIONS REQUIRING THE DISPLAY OF THE OFFICIAL MOTTOS OF THE UNITED STATES OF AMERICA AND SOUTH CAROLINA.

l:\s-res\bg\004us a.kmm.bg.docx

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

WEDNESDAY, JANUARY 12, 2022

S. 970 -- Senators Garrett, Kimbrell, Rice, Adams, Talley, Cash, M. Johnson, Hembree, Loftis, Gustafson, Shealy, Climer, Gambrell, Verdin, Turner and Peeler: A BILL TO AMEND CHAPTER 3, TITLE 59 OF THE 1976 CODE, RELATING TO RULES REGARDING THE STATE SUPERINTENDENT OF EDUCATION, BY ADDING SECTION 59-3-50 TO REQUIRE THAT THE SUPERINTENDENT OF EDUCATION PROVIDE FOR THE DISPLAY OF THE NATIONAL MOTTO, THE NATIONAL FLAG, AND THE STATE FLAG TO PUBLIC SCHOOLS.

l:\s-res\bg\005flag.kmm.bg.docx

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

S. 971 -- Senator Scott: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF GEORGE E. GLYMPH OF COLUMBIA, TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\council\bills\lk\9196hb22.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 972 -- Senator Malloy: A JOINT RESOLUTION TO REPEAL ACT 990 OF 1928, RELATING TO THE PROVISION FOR THE ERECTION OF A MONUMENT TO THE MEMORY OF DR. J. MARION SIMS UPON THE STATE HOUSE GROUNDS IN COLUMBIA, TO DIRECT THE REMOVAL OF THE SIMS STATUE TO THE STATE MUSEUM, TO CREATE THE ROBERT SMALLS MONUMENT COMMISSION, AND TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, DUTIES, AND RELATED MATTERS.

l:\s-res\gm\059simm.kmm.gm.docx

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

Senator MALLOY spoke on the Resolution.

Remarks to be Printed

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

S. 973 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUME 21 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY

WEDNESDAY, JANUARY 12, 2022

GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2022.

l:\council\bill\bh\7526ahb22.docx

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

S. 974 -- Senators Shealy, Climer, Rice, Adams, Kimbrell, Gustafson and Garrett: A BILL TO AMEND SECTION 12-36-2120(74) OF THE 1976 CODE, RELATING TO THE EXEMPTION FROM SALES TAX FOR DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO EXPAND THE NUMBER OF SALES THAT ARE SUBJECT TO THE EXEMPTION.

l:\s-res\ks\047medi.kmm.ks.docx

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

S. 975 -- Senators Young and Massey: A JOINT RESOLUTION TO AUTHORIZE THE RELOCATION OF THE VIETNAM WAR MEMORIAL, ETERNAL FLAME, AND ACCOMPANYING UNITED STATES FLAG INSTALLATION LOCATED AT THE CORNER OF EDGEFIELD AVENUE AND LAURENS STREET IN THE CITY OF AIKEN TO THE AIKEN COUNTY VETERANS MEMORIAL LOCATED AT 1435 RICHLAND AVENUE EAST.

l:\s-res\try\027relo.kmm.try.docx

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

S. 976 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-6-513 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO UTILIZE FUNDS AND FEES PAID TO THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY ADDING SECTION 37-6-610 SO AS TO ALLOW THE DEPARTMENT OF CONSUMER AFFAIRS TO CARRY FORWARD CERTAIN FUNDS.

l:\council\bill\nbd\11305ph22.docx

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

S. 977 -- Senator Jackson: A SENATE RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO ENACT S. 1873, H.R. 1946, OR SIMILAR LEGISLATION TO ESTABLISH MEDICARE COVERAGE FOR MULTI-CANCER EARLY DETECTION SCREENING TESTS, AND TO CONTINUE

WEDNESDAY, JANUARY 12, 2022

WORKING ACROSS PARTY LINES TO REDUCE CANCER DEATHS IN SOUTH CAROLINA.

l:\council\bill\cc\16125vr22.docx

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

S. 978 -- Senators McElveen and K. Johnson: A CONCURRENT RESOLUTION TO HONOR CORPORAL MATTHEW BARWICK AND CORPORAL BRADLEY HYNES OF THE SUMTER COUNTY SHERIFF'S OFFICE, WHO DISPLAYED EXCEPTIONAL DECISIVENESS, PRESENCE OF MIND, AND SWIFTNESS OF ACTION WHILE IN THE LINE OF DUTY, AND TO CONGRATULATE THEM UPON RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

l:\council\bill\rm\1350cm22.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 979 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BENJAMIN BANNEKER ELK LODGE ON THE JOYOUS OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA SENATE FOR THE LODGE'S MANY CONTRIBUTIONS TO THE BETTERMENT OF ITS COMMUNITY.

l:\council\bill\rm\1351ph22.docx

The Senate Resolution was adopted.

S. 980 -- Senators Goldfinch and Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROHIBIT A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN TWO RED SNAPPER IN ANY ONE DAY; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROHIBIT TAKING, POSSESSING, LANDING, SELLING, PURCHASING, OR ATTEMPTING TO SELL OR PURCHASE RED SNAPPER OF LESS THAN TWENTY INCHES IN TOTAL LENGTH.

l:\s-res\slg\002red .kmm.slg.docx

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

WEDNESDAY, JANUARY 12, 2022

S. 981 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-69-247 SO AS TO ESTABLISH MINIMUM NONFORFEITURE AMOUNTS FOR CONTRACTS ISSUED AFTER JUNE 30, 2022; BY ADDING SECTION 38-72-78 SO AS TO REQUIRE LONG TERM CARE INSURERS TO PROVIDE NOTICE OF PROPOSED PREMIUM RATE INCREASES TO POLICYHOLDERS; TO AMEND SECTION 38-9-180, RELATING TO STANDARD VALUATION LAW, SO AS TO REMOVE A REQUIREMENT; TO AMEND SECTION 38-9-210, AS AMENDED, RELATING TO THE REDUCTION FROM LIABILITY FOR REINSURANCE, SO AS TO CORRECT THE NAME OF THE APPROPRIATE OFFICE OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS; TO AMEND SECTION 38-13-80, RELATING TO THE ANNUAL STATEMENT AS TO BUSINESS STANDING AND FINANCIAL CONDITION, SO AS TO PROVIDE THE TIME AND MANNER THAT THE STATEMENT OF BUSINESS STANDING AND FINANCIAL CONDITION MUST BE FILED; TO AMEND SECTION 38-13-85, RELATING TO THE FILING OF ANNUAL STATEMENTS, SO AS TO PROVIDE THE TIME AND MANNER THAT THE ANNUAL STATEMENTS ARE FILED; TO AMEND SECTION 38-57-150, AS AMENDED, RELATING TO PROHIBITED INDUCEMENTS, SO AS TO ALLOW AN EMPLOYEE, AFFILIATE, OR THIRD PARTY OF AN INSURER TO OFFER AN INSURED SERVICES RELATING TO THE LOSS CONTROL OF THE COVERED RISK; TO AMEND SECTION 38-73-240, RELATING TO RATE FILINGS, SO AS TO CLARIFY WHERE AN INSURER MAY FILE A MULTIPLIER; TO AMEND SECTION 38-73-910, AS AMENDED, RELATING TO THE APPLICATION OF THE SECTION, SO AS TO ESTABLISH THAT RATE, RULE, AND FORM FILINGS SUBMITTED BY A RATING ORGANIZATION ARE SUBJECT TO PRIOR APPROVAL OF THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-79-200, AS AMENDED, RELATING TO RATE INCREASE OR ASSESSMENT AUTHORIZATION, SO AS TO INCLUDE A REFERENCE; TO AMEND SECTIONS 38-101-20, 38-101-30, 38-101-40, AND 38-101-110, ALL RELATING TO THE ISSUANCE OF FLOOD INSURANCE POLICIES, ALL SO AS TO REQUIRE A PERIL OF FLOOD TO BE NAMED; TO AMEND SECTION 38-101-120, RELATING TO THE WRITTEN NOTICE OF CANCELLATION OR NONRENEWAL, SO AS TO CLARIFY THE REQUIRED NOTICE PERIOD; AND TO

WEDNESDAY, JANUARY 12, 2022

REPEAL CHAPTER 95 OF TITLE 38 RELATING TO THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT.
l:\council\bill\jn\3489ph22.docx

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

S. 982 -- Senator Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-500 SO AS TO PROVIDE THAT THE GOVERNING BODY OF A PUBLIC SCHOOL SHALL PROVIDE CERTAIN TRAINING AND INSTRUCTIONAL MATERIAL ON ITS WEBSITE, AND TO PROVIDE THAT A SCHOOL DISTRICT OR PUBLIC SCHOOL MAY NOT MANDATE THAT STUDENTS, TEACHERS, OR STAFF PARTICIPATE IN CERTAIN POLITICAL EVENTS.

l:\council\bill\df\13097sa22.docx

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

Message from the House

Columbia, S.C., January 12, 2022

Mr. President and Senators:

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

S. 525 -- Senators Gambrell, Verdin, Massey, Loftis, Garrett and Gustafson: A BILL TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, TO DEFINE NECESSARY TERMS RELATED TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES.

Very respectfully,

Speaker of the House

Received as information.

S. 525--SENATE INSISTS ON THEIR AMENDMENTS

S. 525 -- Senators Gambrell, Verdin, Massey, Loftis, Garrett and Gustafson: A BILL TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, TO DEFINE NECESSARY TERMS RELATED TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES.

WEDNESDAY, JANUARY 12, 2022

On motion of Senator VERDIN, the Senate insisted upon its amendments to S. 525 and asked for a Committee of Conference.

CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators GAMBRELL, SENN and GARRETT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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

SECOND READING BILL

S. 948 -- Senator Williams: A JOINT RESOLUTION TO PROVIDE FOR THE DATE OF THE 2022 ELECTION FOR THE MARION COUNTY BOARD OF EDUCATION TO OCCUR ON THE SECOND TUESDAY OF MAY 2022.

On motion of Senator WILLIAMS.

OBJECTION

S. 376 -- Senators Talley, Hembree and Setzler: A BILL TO ENACT THE "STATE INSTITUTION OF HIGHER EDUCATION EFFICIENCY ACT"; TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 157, TO ALLOW THE BOARD OF TRUSTEES OF AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH BY RESOLUTION AN AUXILIARY DIVISION AS PART OF THE COLLEGE OR UNIVERSITY, TO PROVIDE THAT THE AUXILIARY DIVISION IS EXEMPT FROM VARIOUS STATE LAWS, TO REQUIRE THAT CERTAIN PERMANENT IMPROVEMENT PROJECTS MUST BE SUBMITTED TO THE JOINT BOND REVIEW COMMITTEE AND THE EXECUTIVE BUDGET OFFICE, TO PROVIDE THAT A BOARD OF TRUSTEES MAY ADOPT FOR AN AUXILIARY DIVISION A PROCUREMENT POLICY, AND TO PROVIDE REPORTING REQUIREMENTS; TO AMEND SECTION 8-11-260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM CERTAIN REQUIREMENTS FOR STATE OFFICERS AND EMPLOYEES, TO PROVIDE THAT EMPLOYEES OF CERTAIN RESEARCH UNIVERSITIES AND NON-RESEARCH, FOUR-YEAR COLLEGES AND UNIVERSITIES ARE EXEMPT; TO AMEND SECTION 11-35-710(A)(6) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA CONSOLIDATED

WEDNESDAY, JANUARY 12, 2022

PROCUREMENT CODE, TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY MAY EXEMPT PRIVATE GIFTS, AUXILIARY DIVISIONS, AND OTHER SALES AND SERVICES; AND TO DEFINE NECESSARY TERMS.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 230 -- Senators Shealy, Hutto, Jackson and Gustafson: A BILL TO AMEND SECTION 16-3-2020(G) OF THE 1976 CODE, RELATING TO TRAFFICKING VICTIMS WHO ARE MINORS, TO PROVIDE THAT MINORS ENGAGED IN COMMERCIAL SEXUAL ACTIVITY OR TRAFFICKING ARE PRESUMED TO BE DOING SO UNDER COERCION OR AS THE RESULT OF A REASONABLE FEAR OF A THREAT, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE OF THESE VICTIMS, AND TO PROVIDE FOR EXPUNGEMENT FOR THESE VICTIMS.

Senator MALLOY objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 403 -- Senator Gustafson: A BILL TO AMEND SECTION 41-18-30(D) OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF AND EXCEPTIONS TO THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, TO DIFFERENTIATE BETWEEN AMUSEMENT-STYLE AND COMPETITION-STYLE CONCESSION GO-KARTS; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (403R001.SP.PG), which was adopted:

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

/SECTION 1. This act must be known and may be cited as the “South Carolina Go-Kart Definitions Act”.

SECTION 2. Section 41-18-30(D) of the 1976 Code is amended to read:

“(D) This chapter applies to amusement-style concession go-karts. This chapter does not apply to ~~super-karts~~ competition-style concession go-karts, provided that:

WEDNESDAY, JANUARY 12, 2022

(1) ~~Only~~ only persons age ~~eighteen or above who hold a valid driver's license~~ twelve and above are allowed to operate ~~super-karts~~ competition-style concession go-karts, provided that all persons under age eighteen must have parental consent to operate competition-style concession go-karts;-

(2) ~~No~~ no person shall operate a ~~super-kart~~ competition-style concession go-kart in any establishment where other permanent amusement devices are located or operated. Establishments offering ~~super-karts~~ competition-style concession go-karts must not share an entrance or exit with any other establishment offering ~~an~~ a permanent amusement device and must charge a separate fee for operating ~~super-karts~~ competition-style concession go-karts;-

(3) ~~A~~ a sign shall be on display on the premises where ~~super-karts~~ competition-style concession go-karts are operated stating: ~~'Super-karts Competition-style concession go-karts are not amusement devices regulated by the South Carolina Department of Labor, Licensing and Regulation. Super-karts Competition-style concession go-karts may reach speeds in excess of fifty miles per hour. Drive at your own risk.'~~ ';

(4) ~~The~~ the owner of a ~~super-kart~~ competition-style concession go-kart must carry an insurance policy in an amount not less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation or use of such device; and

(5) any person who operates a competition-style concession go-kart who does not possess a driver's license must complete a training session prior to its operation."

SECTION 3. Section 41-18-40(15) and (16) of the 1976 Code is amended to read:

"(15)(a) 'Concession go-kart' means an amusement ride or device that:

(i) is a single vehicle, unattached to other vehicles or a common frame system;

(ii) is powered without connection to a common energy source;

(iii) is driver-controlled with respect to acceleration, speed, braking, and steering;

(iv) ~~operates within the containment system of a defined track;~~

~~(v)~~ (v) simulates competitive motor sports; and

~~(vi)~~ (v) is used by members of the general public for a fee.

(b) A concession go-kart has a maximum capacity of two persons and no cargo capacity.

(c) An amusement-style concession go-kart operates within the containment system of a defined track.

WEDNESDAY, JANUARY 12, 2022

(d) A competition-style concession go-kart does not operate within the containment system of a defined track.

~~(16) ‘Super kart’ means an open wheel motorsport vehicle, with or without gearbox or shifter capability, used for racing in excess of fifty miles per hour. Super kart does not mean ‘concession go-kart’ as defined by this section.’~~

SECTION 4. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator BENNETT explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill as amended.

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

Ayes 39; Nays 2

AYES

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

Total--39

NAYS

Massey	Young
--------	-------

Total--2

WEDNESDAY, JANUARY 12, 2022

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

CARRIED OVER

H. 3255 -- Reps. West, Kirby, Erickson and Bradley: A BILL TO AMEND SECTION 40-60-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS FROM LICENSURE REQUIREMENTS FOR REAL ESTATE APPRAISERS, SO AS TO MODIFY EXEMPTIONS FOR LICENSEES OF THE REAL ESTATE COMMISSION; TO AMEND SECTION 40-60-31, RELATING TO REQUIREMENTS FOR LICENSURE BY THE BOARD OF REAL ESTATE APPRAISERS, SO AS TO REVISE AND PROVIDE COLLEGE EDUCATION REQUIREMENTS AND ACCEPTABLE EQUIVALENCIES FOR APPRENTICE APPRAISERS, RESIDENTIAL APPRAISERS, AND GENERAL APPRAISERS, AND TO EXEMPT CERTAIN MASS APPRAISERS FROM COLLEGE EDUCATION REQUIREMENTS; TO AMEND SECTION 40-60-33, RELATING TO ADDITIONAL EDUCATIONAL AND APPLICABLE EXPERIENCE REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REVISE VARIOUS REQUIREMENTS AND REVISE QUALIFICATIONS FOR CERTAIN LICENSED MASS APPRAISERS; TO AMEND SECTION 40-60-34, RELATING TO REQUIREMENTS CONCERNING APPRENTICE APPRAISERS AND APPRAISER SUPERVISING APPRENTICES, SO AS TO REVISE VARIOUS REQUIREMENTS; TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO IMPOSE CERTAIN REPORTING REQUIREMENTS ON LICENSEES; TO AMEND SECTION 40-60-36, RELATING TO CONTINUING EDUCATION PROVIDERS, SO AS TO IMPOSE CERTAIN REPORTING REQUIREMENTS ON PROVIDERS; TO AMEND SECTION 40-60-37, RELATING TO QUALIFICATION REQUIREMENT WAIVERS FOR RECIPROCAL APPLICATIONS FOR APPRAISERS FROM OTHER JURISDICTIONS, SO AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 40-60-40, RELATING TO APPRAISER CONTACT INFORMATION THAT MUST BE MAINTAINED ON FILE WITH THE BOARD, SO AS TO INCLUDE EMAIL ADDRESSES OF LICENSEES; TO AMEND SECTION 40-60-320, RELATING TO DEFINITIONS IN THE REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT, SO AS TO REVISE THE DEFINITION OF AN APPRAISAL PANEL; TO AMEND SECTION 40-60-330, AS AMENDED, RELATING TO

WEDNESDAY, JANUARY 12, 2022

REGISTRATION REQUIREMENTS, SO AS TO REVISE REQUIREMENTS CONCERNING CERTAIN FINANCIAL INFORMATION; TO AMEND SECTION 40-60-360, RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO SPECIFY CERTAIN REQUIRED REGULATIONS; TO AMEND SECTION 40-60-420, RELATING TO RECORD-KEEPING REQUIREMENTS FOR REGISTRATION RENEWAL, SO AS TO REVISE REQUIREMENTS CONCERNING RECORDS THAT APPRAISAL MANAGEMENT COMPANIES MUST PROVIDE; AND TO AMEND SECTION 40-60-450, RELATING TO REQUIREMENTS CONCERNING COMPENSATION OF APPRAISERS BY APPRAISAL MANAGEMENT COMPANIES, SO AS TO CLARIFY THE APPLICABLE GOVERNING FEDERAL REGULATIONS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

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

CARRIED OVER

H. 3466 -- Reps. Long, McGarry, Pope, Forrest, Magnuson and Jones: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-80-65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE DEPARTMENTS THAT SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

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

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

MOTION ADOPTED

At 1:42 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

WEDNESDAY, JANUARY 12, 2022

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**AMENDMENT ADOPTED
DEBATE INTERRUPTED**

S. 290 -- Senators Climer, Senn, Campsen, Loftis, Rice, Peeler, Turner, Davis, Gustafson, Grooms, M. Johnson and Garrett: A BILL TO AMEND SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320 OF THE 1976 CODE, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; TO REPEAL SECTIONS 44-7-160, 44-7-170, 44-7-180, 44-7-190, 44-7-200, 44-7-210, 44-7-220, 44-7-225, 44-7-230, AND 44-7-240 OF THE 1976 CODE, ALL RELATING TO THE CERTIFICATE OF NEED PROGRAM; AND TO RENAME ARTICLE 3, CHAPTER 7, TITLE 44 OF THE 1976 CODE AS THE "STATE HEALTH FACILITY LICENSURE ACT".

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

Senator DAVIS explained the Bill.

Amendment No. 2

Senators GOLDFINCH, KIMBRELL, CLIMER, MALLOY and ALEXANDER proposed the following amendment (290R006.SP.SLG), which was adopted:

Amend the bill, as and if amended, on page 10, by striking SECTION 7.

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

/SECTION __. Section 44-7-160 of the 1976 Code is amended to read:

"Section 44-7-160. A ~~person or health care facility~~ nursing home as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

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

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

WEDNESDAY, JANUARY 12, 2022

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

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

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

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

Re-number sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Amendment No. 3

Senator SETZLER proposed the following amendment (290NGS4), which was carried over:

Amend the bill, as and if amended, page, 2, by striking lines 6 through 8 and inserting the following:

/ ~~(3)~~ (1) preparation and publication of a State Health Plan;

~~(4)~~ (2) the licensure of facilities rendering medical, nursing, and other health care.” /

Re-number sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

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

WEDNESDAY, JANUARY 12, 2022

Amendment 1A

Senator TALLEY proposed the following amendment (290R003.SP.SFT), which was tabled:

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

/SECTION 1. Section 1-23-380 of the 1976 Code is amended to read:

“Section 1-23-380. A party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to this article and Article 1, except for a party aggrieved by a final decision in a contested case filed with the Administrative Law Court relating to subject matter contained in Article 3, Chapter 7, Title 44. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy. Except as otherwise provided by law, an appeal is to the court of appeals.

(1) Proceedings for review are instituted by serving and filing notice of appeal as provided in the South Carolina Appellate Court Rules within thirty days after the final decision of the agency or, if a rehearing is requested, within thirty days after the decision is rendered. Copies of the notice of appeal must be served upon the agency and all parties of record.

(2) Except as otherwise provided in this chapter, the serving and filing of the notice of appeal does not itself stay enforcement of the agency decision. The serving and filing of a notice of appeal by a licensee for review of a fine or penalty or of its license stays only those provisions for which review is sought and matters not affected by the notice of appeal are not stayed. The serving or filing of a notice of appeal does not automatically stay the suspension or revocation of a permit or license authorizing the sale of beer, wine, or alcoholic liquor. The agency may grant, or the reviewing court may order, a stay upon appropriate terms, upon the filing of a petition under Rule 65 of the South Carolina Rules of Civil Procedure.

(3) If a timely application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings

WEDNESDAY, JANUARY 12, 2022

and decision by reason of the additional evidence and shall file the evidence and modifications, new findings, or decisions with the reviewing court.

(4) The review must be conducted by the court and must be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, and established by proof satisfactory to the court, the case may be remanded to the agency for action as the court considers appropriate.

(5) The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.”

SECTION 2. Section 44-7-160 of the 1976 Code is amended to read:

“Section 44-7-160. A person or health care facility as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

- (1) the construction or other establishment of a new health care facility;
- (2) a change in the existing bed complement of a health care facility through the addition of one or more beds except as provided for in Section 44-7-170(A)(5) or change in the classification of licensure of one or more beds;
- (3) an expenditure by or on behalf of a health care facility in excess of ~~an amount to be prescribed by regulation~~ five million dollars which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44-7-170(A)(5), Section 44-7-170(A)(6), and Section 44-7-170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of

WEDNESDAY, JANUARY 12, 2022

any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

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

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

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

SECTION 3. Section 44-7-170(A) of the 1976 Code is amended to read:

“Section 44-7-170. (A) The following are exempt from Certificate of Need review:

(1) the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44-7-160(1) and (6);

(3) the replacement of ~~like~~ equipment including, but not limited to, CT scanners, magnetic resonance imaging, positron emission tomography (PET), and positron emission tomography/computed tomography for which a Certificate of Need has been issued which does not constitute ~~a material change in service or~~ a new service;

WEDNESDAY, JANUARY 12, 2022

(4) crisis stabilization unit facilities. Notwithstanding subsection (C), crisis stabilization unit facilities will not require a written exemption from the department;

(5) a change in the existing bed complement of a health care facility through the addition of one or more beds if:

(a) in the immediately prior calendar year, the average occupancy of the total number of the beds in the same license category at the health care facility where the beds will be added exceeded seventy-five percent capacity, including beds considered as observational status; and

(b) for licensed general acute care hospital beds, the number of beds exempt from review under this section does not exceed fifty beds or ten percent of the total number of licensed general acute care hospital beds, whichever is greater, at the health care facility where the beds will be added;

(c) for beds in license categories other than general acute care hospital beds, the number of beds exempt from review under this section does not exceed ten percent of the total number of beds in the same license category, at the health care facility where the beds will be added.

(6) the addition of up to a fifty-bed acute care hospital in a county that does not have an acute care hospital. The exemption provided for in this subsection shall no longer apply in a county where an acute care hospital is opened pursuant to this subsection. All other provisions of this article shall apply to the construction or addition of health facilities or health services in a county without an acute care hospital. For purposes of this subsection, ‘acute care hospital’ shall mean a facility with a dedicated emergency department, organized and administered to provide short-term overnight medical or surgical care or nursing care of illness, injury, or infirmity and may provide obstetrical care, and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy.”

SECTION 4. Section 44-7-210(F)-(G) of the 1976 Code is amended to read:

“Section 44-7-210. (F) Notwithstanding any other provision of law, including Section 1-23-650(C), in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the following apply:

(1) each party may name no more than ~~ten~~ three witnesses who may testify at the contested case hearing;

WEDNESDAY, JANUARY 12, 2022

(2) each party is permitted to take only the deposition of a person listed by an opposing party as a witness who may testify at the contested case hearing; ~~unless otherwise provided for by the Administrative Law Court~~ and each party is prohibited from taking a deposition pursuant to the provisions of the South Carolina Rules of Civil Procedure, Rule 30(b)(6);

(3) each party is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) each party is permitted to serve only ten requests for admission, including subparts; and

(5) each party is permitted to serve only thirty requests for production, including subparts.

~~The limitations provided for in this subsection are intended to make the contested case process more efficient, less burdensome, and less costly to the parties in Certificate of Need cases. Therefore, the Administrative Law Court may, by court order, lift these limitations beyond the parameters set forth in this subsection only in exceptional circumstances when failure to do so would cause substantial prejudice to the party seeking additional discovery.~~

(G) Notwithstanding any other provision of law, in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the Administrative Law Court shall file a final decision no later than ~~eighteen~~ twelve months after the contested case is filed with the Clerk of the Administrative Law Court, ~~unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.~~ There shall be no judicial review of final decisions issued by the Administrative Law Court for a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, the issuance of a determination regarding the applicability of Section 44-7-160, or any other department decisions relating to Article 3, Chapter 7, Title 44."

SECTION 5. Section 44-69-30 of the 1976 Code is amended to read:

"Section 44-69-30. No person, private or public organization, political subdivision, or other governmental agency shall establish, conduct, or maintain a home health agency or represent itself as providing home health services without first obtaining a license from the Department of Health and Environmental Control. This license is effective for a twelve-month period following the date of issue. A license issued under

WEDNESDAY, JANUARY 12, 2022

this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this act. Subunits of parent home health agencies must be separately licensed.

The department may enter into public and private joint partnerships or enter into other appropriate cooperative agreements or arrangements or negotiate and effect these partnerships and agreements to include the sale of the entity and/or the transfer of licenses held by the department or its subdivisions to other qualified providers, if appropriate, when doing so would result in continued high quality patient care, continued provision of services to indigent patients, assurance of the employment of the department's home health employees, and provision of home care services adequate to meet the needs of the State. The department may facilitate the negotiation, contracting, or transfer of these activities through licensure ~~and without requirement of a Certificate of Need as set out in Section 44-69-75~~ and without regard to the Procurement Code, Section 11-35-10, et. seq. However, a sale of the entity is subject to the provisions of the Procurement Code.

At least thirty days before entering any negotiations regarding a contractual agreement or a public/private partnership concerning the provision of home health services, the department shall place a public notice in a newspaper of general circulation for a period of no less than three consecutive days within the area where the services will be performed.

The department may establish requirements and conditions upon those entities joined in partnership or receiving transfer of the home care services, ~~and licensing, and Certificate of Need~~ including, but not limited to, transfer of employees, coverage of indigent patients, and payments or contributions to the department to continue the provision of basic public health services as determined by the department. All agreements must be reviewed and approved by the board of the department. The department may monitor and enforce the contract or partnership provisions and/or conditions of transfer or any other conditions or requirements of agreements entered into pursuant to this section.

All funds paid to or received by the department pursuant to this section must be deposited in an account separate and distinct from the general fund entitled the Public Health Fund (PHF). The funds deposited in this fund must be used solely by the department to support basic public health services determined to be necessary by the department. The appropriation of the funds must be through the General Appropriations Act.

WEDNESDAY, JANUARY 12, 2022

Notwithstanding any of the provisions of this section, the department may continue to provide public health services in the clinic, the home, and the community necessary to ensure the protection and promotion of the public's health.”

SECTION 6. Sections 44-7-220 of the 1976 Code and 44-69-75(A) are repealed.

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. This act takes effect upon approval by the Governor./
Renummer sections to conform.
Amend title to conform.

Senator TALLEY explained the amendment.
Senator CLIMER spoke on the amendment.

Senator CLIMER moved to lay the amendment on the table.

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

Ayes 31; Nays 9

AYES

WEDNESDAY, JANUARY 12, 2022

Adams	Alexander	Bennett
Cash	Climer	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McLeod	Peeler	Rice
Senn	Setzler	Shealy
Turner	Verdin	Williams
Young		

**Total--31
NAYS**

Allen	Hutto	Jackson
<i>Johnson, Kevin</i>	Rankin	Sabb
Scott	Stephens	Talley

Total--9

The amendment was laid on the table.

Debate was interrupted by adjournment.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James W. Rickenbacker, 220 Oakridge Dr., Orangeburg, SC 29115-3923 *VICE* Samuel A. Daily

Motion Adopted

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

WEDNESDAY, JANUARY 12, 2022

MOTION ADOPTED

On motion of Senators MATTHEWS, PEELER, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSEN, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, K. JOHNSON, M. JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, McELVEEN, McLEOD, RANKIN, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Peden Brown McLeod of Walterboro, S.C. Former Senator McLeod served in the United States Army and graduated from the University of South Carolina law school. He was elected to the South Carolina House of Representatives in 1972 and the Senate in 1979. He was later elected Code Commissioner and became director of the South Carolina Legislative Council. Former Senator McLeod received the Order of the Palmetto from Governor Beasley. He served with the American Legion Post 93, Boy Scouts of America, the Jaycees, Lions Club, Elks Lodge and numerous others. Senator McLeod was a loving father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 4:34 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

WEDNESDAY, JANUARY 12, 2022
SENATE JOURNAL INDEX