

NO. 49

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, APRIL 5, 2022

Tuesday, April 5, 2022
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 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:

Acts 13:11b

We read of Paul in Acts, that: "Immediately mist and darkness came over him -- and he groped about seeking someone to lead him by the hand."

Let us pray, my friends: Holy God, we do confess that now and then in our lives we too -- like Paul -- find ourselves unsure of the direction we should follow, unclear about what awaits us in the future. How desperately in such times do we want You, especially, O God, to take our hand, to lead us in the way you want us to go. Indeed, Lord, may each and every Senator and aide in this place depend upon Your guidance to get them through those now and then moments of mist and darkness, so that the decisions they come to will always be the very ones that bring worthy results for all of the people of South Carolina. And today, Lord, we ask You to bestow a special blessing upon Mike Reichenbach and his family. May his service here in the Senate bring ever-greater joy and progress to this State we all love. All this we pray in Your loving name, O Lord. Amen.

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

COMMUNICATIONS RECEIVED

Office of the Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201
April 4, 2022

Mr. Jeffrey S. Gossett
Clerk of the Senate
State House
Columbia, SC 29201

TUESDAY, APRIL 5, 2022

Dear Mr. Gossett:

The State Election Commission has certified to this office by mail the winner of the State Senate District 31 special election held on March 29, 2022. Please find enclosed a copy of the election results from the State Election Commission certifying Mike Reichenbach as winner of the special election for Senate District 31.

Please contact my office if you have any questions or need anything further.

Sincerely,
Mark Hammond
Secretary of State

State of South Carolina
Election Commission
2221 Devine Street
Columbia, SC 29250
March 30, 2022

The Honorable Mark Hammond
Secretary of State
P. O. Box 11350
Columbia, SC 29211

Dear Mr. Secretary:

The State Election Commission hereby certifies Mike Reichenbach as the winner of the State Senate District 31 Special Election held on March 29, 2022, in Darlington and Florence counties. A copy of the results is enclosed.

Sincerely,
/s/ Marci Andino
Executive Director

Privilege of the Chamber and Floor

On motion of Senator MASSEY, with unanimous consent, the Privilege of the Chamber and the Privilege of the Floor was extended to Senator REICHENBACH and his family.

ACTING PRESIDENT PRESIDES

Senator SETZLER assumed the Chair.

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Administration of Oath of Office

Senator Sworn In

On motion of Senator MASSEY, with unanimous consent, Senator REICHENBACH presented himself at the Bar and the oath of office was administered by PRESIDENT ALEXANDER.

PRESIDENT PRESIDES

At 2:09 P.M., the PRESIDENT assumed the Chair.

Remarks by Senator REICHENBACH

On motion of Senator SETZLER, with unanimous consent, Senator REICHENBACH was granted leave to address the Senate with brief remarks.

Remarks to be Printed

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

SEATING SELECTIONS

Pursuant to Rule 4B, Senator MASSEY moved that the Senate proceed to the seating selection.

Seat 38 Senator REICHENBACH

STANDING COMMITTEE CHANGES

The Senate proceeded to the selection of committee assignments.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the committee selection process in Rule 19 was waived and vacancies were filled in the following manner:

Senator REICHENBACH committee selections were as follows:

Agriculture and Natural Resources
Corrections and Penology
Family and Veterans' Services
Fish, Game and Forestry
Judiciary

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REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4993

Agency: South Carolina Jobs-Economic Development Authority

Chapter: 68

Statutory Authority: 1976 Code Section 41-43-90

SUBJECT: South Carolina Jobs-Economic Development Authority

Received by Lieutenant Governor January 12, 2021

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 12, 2021

Withdrawn and Resubmitted April 4, 2022

Document No. 5070

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

SUBJECT: Additional Regulations Applicable to Specific Properties

Received by Lieutenant Governor January 11, 2022

Referred to Committee on Fish, Game and Forestry

Legislative Review Expiration May 11, 2022

Withdrawn and Resubmitted April 4, 2022

Doctor of the Day

Senator CASH introduced Dr. Layshya Chandra of Greenville, S.C.,
Doctor of the Day.

Leave of Absence

On motion of Senator VERDIN, at 2:46 P.M., Senator DAVIS was
granted a leave of absence for today.

Leave of Absence

On motion of Senator YOUNG, at 2:46 P.M., Senator TALLEY was
granted a leave of absence for today.

Leave of Absence

On motion of Senator ADAMS, at 2:46 P.M., Senator GROOMS was
granted a leave of absence for today.

Leave of Absence

On motion of Senator HUTTO, at 3:07 P.M., Senator
HARPOOTLIAN was granted a leave for the balance of the day.

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CO-SPONSORS ADDED

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

- S. 202 Sen. Bennett
- S. 288 Sen. Kimbrell
- S. 429 Sen. Young
- S. 1032 Sens. Senn and Climer
- S. 1103 Sens. Setzler and Malloy

RECALLED AND COMMITTED

H. 3775 -- Reps. Robinson, Dillard, Elliott, Erickson, Parks, Martin, Fry, Matthews, V.S. Moss, G.R. Smith, Brawley, Rose, Stavrinakis and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-144 SO AS TO PROVIDE DEFINITIONS AND THAT NO HEALTH BENEFIT PLAN MAY REQUIRE AN INSURED TO FAIL TO SUCCESSFULLY RESPOND TO A DRUG OR DRUGS FOR STAGE FOUR ADVANCED, METASTATIC CANCER PRIOR TO THE APPROVAL OF A DRUG PRESCRIBED BY HIS OR HER PHYSICIAN.

On motion of Senator CROMER, with unanimous consent, the Bill was recalled from the Committee on Medical Affairs and committed to the Committee on Banking and Insurance.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1227 -- Senator Gustafson: A SENATE RESOLUTION TO CONGRATULATE THE KERSHAW COUNTY ROBOTICS TEAM AND TEAM OFFICIALS ON AN OUTSTANDING SEASON, HONOR THEM FOR WINNING THE SOUTH CAROLINA 2022 STATE CHAMPIONSHIP, AND CONGRATULATE THEM FOR QUALIFYING TO COMPETE IN THE WORLD CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 1228 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE THE NEWBERRY ACADEMY GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR

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WINNING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A GIRLS STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 1229 -- Senator Bennett: A BILL TO AMEND SECTION 12-6-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

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

S. 1230 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

S. 1231 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 17, 2022, FROM 11:30 A.M. TO 1:00 P.M. HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

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

S. 1232 -- Senator Fanning: A SENATE RESOLUTION TO CELEBRATE THE LIFE OF LA'DARIOUS TYRES WYLIE OF CHESTER COUNTY, WHO IN 2015, AT THE AGE OF ELEVEN,

TUESDAY, APRIL 5, 2022

LOST HIS LIFE HEROICALLY SAVING THAT OF HIS LITTLE SISTER, AND TO DECLARE HIS BIRTHDAY, NOVEMBER 28, 2022, AS "LA'DARIOUS WYLIE DAY" IN HIS MEMORY.

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The Senate Resolution was adopted.

S. 1233 -- Senator K. Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SCHOOL IMPROVEMENT COUNCILS OF SOUTH CAROLINA AND TO COMMEND THEM FOR FORTY-FIVE YEARS OF CIVIC ENGAGEMENT AT WORK IN PUBLIC EDUCATION.

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The Senate Resolution was adopted.

S. 1234 -- Senator Fanning: A SENATE RESOLUTION TO CONGRATULATE WHITE OAK BAPTIST CHURCH NO. 2 OF FAIRFIELD COUNTY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED SIXTY-SECOND ANNIVERSARY AND TO COMMEND THE CHURCH FOR WELL OVER A CENTURY AND A HALF OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 1235 -- Senator Matthews: A BILL TO AMEND ACT 190 OF 1991, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY, SO AS TO REAPPORTION THE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REVISED ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO REMOVE ARCHAIC LANGUAGE.

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

S. 1236 -- Senator McLeod: A JOINT RESOLUTION TO CREATE THE "GAS REBATE FUND" WHICH MUST BE USED TO PROVIDE A ONE HUNDRED DOLLAR REBATE TO CERTAIN TAXPAYERS

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IN MONTHS THAT THE AVERAGE RETAIL PRICE OF CERTAIN GASOLINE EXCEEDS FOUR DOLLARS PER GALLON.

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

S. 1237 -- Senators McLeod, Matthews, Shealy, Senn and Gustafson: A BILL TO AMEND ARTICLE 142, CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO ALSO PROVIDE FOR THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2022 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT.

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

H. 3010 -- Reps. Weeks, Robinson, Thigpen, Henegan, Gilliard, Henderson-Myers, R. Williams and Jefferson: A BILL TO AMEND SECTION 24-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPUTATION OF TIME SERVED BY A PRISONER UNDER A COURT-IMPOSED SENTENCE, SO AS TO PROVIDE A PRISONER MAY BE GIVEN FULL CREDIT AGAINST A SENTENCE FOR TIME SPENT UNDER GLOBAL POSITIONING SYSTEM (GPS) MONITORING.

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

H. 5000 -- Reps. Matthews, Caskey, Wooten and May: A BILL TO AMEND SECTION 44-63-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF ADULT ADOPTED PERSONS TO ACCESS THEIR ORIGINAL BIRTH CERTIFICATES IN CERTAIN CIRCUMSTANCES, SO AS TO APPLY RETROACTIVELY.

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

H. 5113 -- Reps. W. Cox and Henderson-Myers: A BILL TO AMEND SECTION 62-5-101, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO ARTICLE 5, TITLE 62, SO AS TO REVISE THE DEFINITION OF

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"SUPPORTS AND ASSISTANCE"; TO AMEND SECTION 62-5-103, RELATING TO FACILITY OF PAYMENT OR DELIVERY, SO AS TO CLARIFY THE NATURE OF THE FIFTEEN THOUSAND DOLLAR THRESHOLD; TO AMEND SECTION 62-5-106, RELATING TO THE DUTIES OF GUARDIANS AD LITEM, SO AS TO PROVIDE THAT THE GUARDIAN AD LITEM MUST SUBMIT HIS REPORT TO THE COURT AT LEAST SEVENTY-TWO HOURS PRIOR TO THE HEARING; TO AMEND SECTION 62-5-108, RELATING TO EMERGENCY AND TEMPORARY ORDERS AND HEARINGS, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; TO AMEND SECTIONS 62-5-303, 62-5-303A, 62-5-303B, 62-5-303C, AND 62-5-303D, ALL RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; TO AMEND SECTION 62-5-307, RELATING TO INFORMAL REQUESTS FOR RELIEF, SO AS TO CLARIFY THE WARD'S ABILITY TO SUBMIT CERTAIN REQUESTS TO THE COURT; TO AMEND SECTION 62-5-401, RELATING TO THE VENUE FOR CERTAIN PROCEEDINGS, SO AS TO CLARIFY, AMONG OTHER THINGS, THAT, IN THE CASE OF MINOR CONSERVATORSHIPS, PROPER VENUE IS THE COUNTY IN WHICH THE MINOR RESIDES OR OWNS PROPERTY; TO AMEND SECTION 62-5-403A, RELATING TO THE SERVICE OF SUMMONS AND PETITION, SO AS TO INCLUDE CERTAIN OTHER AFFIDAVITS AND REPORTS AMONG THOSE THAT MUST BE FILED WITH THE PETITION; TO AMEND SECTION 62-5-403B, RELATING TO THE APPOINTMENT OF COUNSEL AND GUARDIAN AD LITEM, SO AS TO ALLOW THE COURT ALSO TO APPOINT NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, NURSES, AND PSYCHOLOGISTS TO SERVE AS EXAMINERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-403C, RELATING TO HEARINGS AND WAIVERS, SO AS TO REVISE, AMONG OTHER THINGS, CERTAIN PROCEDURES IF NO PARTY REQUESTS A HEARING OR IF THE ALLEGED INCAPACITATED INDIVIDUAL WAIVES HIS RIGHT TO A HEARING; TO AMEND SECTION 62-5-405, RELATING TO PROTECTIVE ARRANGEMENTS, SO AS TO REVISE CERTAIN ACTS THAT MAY BE PERFORMED BY CONSERVATORS AND SPECIAL CONSERVATORS; TO AMEND SECTION 62-5-422, RELATING TO THE POWERS OF CONSERVATORS IN ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES REGARDING THE

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PAYMENT OF CERTAIN FEES; TO AMEND SECTION 62-5-426, RELATING TO CLAIMS AGAINST PROTECTED PERSONS, SO AS TO REQUIRE, AMONG OTHER THINGS, THAT THE CLAIMANT ALSO MUST FILE A WRITTEN STATEMENT OF THE CLAIM WITH THE PROBATE COURT IN WHICH THE CONSERVATORSHIP IS UNDER ADMINISTRATION; TO AMEND SECTION 62-5-428, RELATING TO ACTIONS FOR REQUESTS SUBSEQUENT TO APPOINTMENT, SO AS TO REVISE CERTAIN ACTIONS THAT THE COURT MAY TAKE AFTER THE TIME FOR RESPONSE TO THE PETITION HAS ELAPSED TO ALL PARTIES SERVED; TO AMEND SECTION 62-5-433, RELATING TO DEFINITIONS AND PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO, AMONG OTHER THINGS, DEFINE "GUARDIAN AD LITEM"; TO AMEND SECTION 62-5-715, RELATING TO CONFIRMATIONS OF GUARDIANSHIPS OR CONSERVATORSHIPS TRANSFERRED FROM OTHER STATES, SO AS TO ALLOW THE COURT MORE DISCRETION AS TO THE TYPE OF DOCUMENTS IT MAY REQUIRE IN THE TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIPS FROM ANOTHER JURISDICTION; AND TO AMEND SECTION 62-5-716, RELATING TO THE REGISTRATION OF ORDERS FROM ANOTHER STATE, SO AS TO, AMONG OTHER THINGS, ACKNOWLEDGE THAT IN CERTAIN OTHER JURISDICTIONS, A GUARDIAN MAY ALSO HOLD THE SAME POWERS AS A CONSERVATOR.

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

Appointments Reported

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2020, and to expire June 30, 2024

4th Congressional District:

Hal J. Dillard, 101 Sugar Mill Road, Greer, SC 29650

Received as information.

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Reappointment, South Carolina State Athletic Commission, with the term to commence June 30, 2020, and to expire June 30, 2024

4th Congressional District:

Paul H. Kennemore III, 200 Regents Gate Court, Simpsonville, SC 29681-3612

Received as information.

Message from the House

Columbia, S.C., April 5, 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:

H. 3696 -- Reprs. Lucas, G.M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter, Hart, Jefferson, R. Williams, Govan and Thigpen: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH, FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

Very respectfully,

Speaker of the House

Received as information.

**H. 3696--SENATE INSISTS ON THEIR AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

H. 3696 -- Reprs. Lucas, G.M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter, Hart, Jefferson, R. Williams, Govan and Thigpen: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH,

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FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

On motion of Senator RANKIN, the Senate insisted upon its amendments to H. 3696 and asked for a Committee of Conference.

Whereupon, Senators RANKIN, HUTTO and TALLEY 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.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 5098 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE CONSOLIDATION OF BAMBERG EHRHARDT SCHOOL DISTRICT ONE AND DENMARK OLAR SCHOOL DISTRICT TWO (THE TWO PRESENT SCHOOL DISTRICTS) INTO ONE SCHOOL DISTRICT KNOWN AS THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE TWO PRESENT SCHOOL DISTRICTS' BOARDS OF TRUSTEES IF THE APPOINTMENTS TO THE BAMBERG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES RESULT IN THE ABSENCE OF A QUORUM ON BOTH OF THE TWO PRESENT DISTRICTS' BOARDS OF TRUSTEES.

On motion of Senator HUTTO.

SECOND READING BILLS

S. 1218 -- Senator Matthews: A BILL TO AMEND ACT 278 OF 1985, AS LAST AMENDED BY ACT 185 OF 2020, TO REDUCE THE NUMBER OF JASPER COUNTY BOARD OF EDUCATION SINGLE-MEMBER DISTRICTS FROM NINE TO SEVEN; TO STAGGER THE TERMS OF MEMBERS ELECTED IN 2022; AND TO ESTABLISH THE SEVEN SINGLE-MEMBER DISTRICTS.

On motion of Senator MATTHEWS.

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H. 5138 -- Reps. Hosey and Bamberg: A BILL TO AMEND ACT 105 OF 2021, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY SCHOOL DISTRICTS 29 AND 19, SO AS TO PROVIDE THAT IF THE TERM OF AN INCUMBENT MEMBER OF EITHER OF THE TWO PRESENT BOARDS EXPIRES DURING THE DISTRICTS' CONSOLIDATION TRANSITIONAL PERIOD, THEN THE BARNWELL COUNTY LEGISLATIVE DELEGATION MAY REAPPOINT THAT MEMBER FOR A TRUNCATED TERM TO EXPIRE ON JULY 1, 2022.

On motion of Senator HUTTO.

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

S. 202 -- Senators Hembree and Bennett: A BILL TO AMEND SECTION 1-6-10(1) AND (5) OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE OFFICE OF THE STATE INSPECTOR GENERAL, TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE explained the Bill.

Senator MALLOY proposed the following amendment (202R003.SP.GM), which was adopted:

Amend the bill, as and if amended, on page 1, by striking lines 31 - 32 and inserting:

/ (3) the majority of the membership of the legislative delegation of the county in which the subject of the investigation is located, as determined by a weighted vote of that delegation. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

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

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

Ayes 40; Nays 1

AYES

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

Total--40

NAYS

Fanning

Total--1

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

AMENDMENT PROPOSED, OBJECTION

S. 458 -- Senators Adams, Talley, Bennett, Senn, Alexander and Loftis: A BILL TO AMEND SECTIONS 44-53-190(B) AND 44-53-370(e) OF THE 1976 CODE, RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

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Senator HEMBREE proposed the following amendment (VR\458C001.CC.VR22):

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

/ SECTION 1. Section 44-53-110 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() ‘Fentanyl-related substances’ means, unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

(a) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(b) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;

(c) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(d) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(e) replacement of the N-propionyl group by another acyl group or hydrogen.

This definition includes, but is not limited to, the following substances: Methylacetyl fentanyl, Alpha-methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta-hydroxyfentanyl, Beta-hydroxy-3-methylfentanyl, 3-Methylfentanyl, Methylthiofentanyl, Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta-Hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanoyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl Fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fenantyl.”

SECTION 2. Section 44-53-190(B) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

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“ . Fentanyl-related substances”

SECTION 3. Section 44-53-370(e) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() four grams or more of any fentanyl or fentanyl-related substance, as defined in Section 44-53-110, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as ‘trafficking in fentanyl’ and, upon conviction, must be punished as follows:

(a) four grams or more, but less than fourteen grams:

(1) for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars;

(2) for a second or subsequent offense, a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended or probation granted, and a fine of one hundred thousand dollars;

(b) fourteen grams or more but less than twenty-eight grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars;

(c) twenty-eight grams or more, a mandatory term of imprisonment of not less than twenty-five years nor more than forty years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.”

SECTION 4. 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 5. This act takes effect upon approval by the Governor. /
Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

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Senator HUTTO objected to further consideration of the Bill.

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

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

S. 1132 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ONSITE WASTEWATER SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5103, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 923 -- Senators Turner, Hutto, Peeler, Martin, Climer, Bennett, Talley, Corbin, Senn, Shealy, Loftis, Alexander, Young and Kimbrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-465 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE YOUTH PATRIOTIC SOCIETIES MAY ADDRESS PUBLIC SCHOOL STUDENTS DURING PATRIOTISM WEEK ABOUT HOW INVOLVEMENT IN THE YOUTH PATRIOTIC SOCIETY MAY FURTHER THE EDUCATIONAL INTEREST AND CIVIC INVOLVEMENT OF THE STUDENTS, AND TO PROVIDE RELATED PROCEDURES AND REQUIREMENTS; TO AMEND SECTION 53-3-150, RELATING TO PATRIOTISM WEEK, SO AS TO MAKE OBSERVATION OF PATRIOTISM WEEK IN PUBLIC SCHOOLS MANDATORY INSTEAD OF OPTIONAL, AND TO PROVIDE THIS OBSERVATION MUST INCLUDE TIME ALLOCATED FOR YOUTH PATRIOTIC SOCIETIES TO ADDRESS STUDENTS AS PROVIDED IN THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2022.

S. 90 -- Senators Malloy, Campsen and Rankin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF

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JUVENILE OFFENDERS FROM “UNDER THE AGE OF SEVENTEEN” TO “UNDER THE AGE OF EIGHTEEN”.

S. 1031 -- Senators Campsen, Grooms, Senn, Loftis and Verdin: A BILL TO AMEND SECTION 30-5-10 OF THE 1976 CODE, RELATING TO THE OFFICE OF REGISTER OF DEEDS, SO AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF REGISTER OF DEEDS.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4177 -- Reps. Lowe, Pope and Ligon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-3-190 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO HIRE A WATERFOWL PROGRAM MANAGER WITHIN THE WILDLIFE AND FRESHWATER FISHERIES DIVISION, TO PROVIDE CERTAIN DUTIES AND RESPONSIBILITIES FOR THE POSITION; BY ADDING SECTION 50-9-930 SO AS TO ESTABLISH THE WATERFOWL ADVISORY COMMITTEE TO ASSIST IN THE DEVELOPMENT, PROTECTION, AND PROPAGATION OF NATIVE WATERFOWL IN THIS STATE AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE; TO AMEND SECTION 50-9-510, AS AMENDED, RELATING TO MIGRATORY WATERFOWL PERMITS, SO AS TO INCREASE THE FEES FOR MIGRATORY WATERFOWL PERMITS; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE FOR CERTAIN EXPENDITURES FROM THE REVENUES OF RESIDENT AND NONRESIDENT MIGRATORY WATERFOWL PERMITS; AND TO PROVIDE THAT SECTIONS 3 AND 4 OF THIS ACT ARE REPEALED ON JANUARY 1, 2027.

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

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

S. 906 -- Senator Shealy: A BILL TO AMEND SECTION 43-35-10(3) OF THE 1976 CODE, RELATING TO THE DEFINITION OF “EXPLOITATION” IN THE “OMNIBUS ADULT PROTECTION

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ACT”, TO AMEND THE DEFINITION OF “EXPLOITATION” TO INCLUDE THE EXERCISE OF EXTREME UNDUE INFLUENCE OVER, COERCIVE PERSUASION OF, OR PSYCHOLOGICALLY DAMAGING MANIPULATION OF A VULNERABLE ADULT; AND TO FURTHER AMEND SECTION 43-35-10 BY ADDING A DEFINITION FOR “UNDUE INFLUENCE”.

OBJECTION

S. 984 -- Senators Hembree, Massey, Gustafson and Rankin: A BILL TO AMEND SECTION 6-1-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, SO AS TO PROVIDE THAT A SERVICE OR USER FEE MUST BE USED TO THE NONEXCLUSIVE BENEFIT OF THE PAYERS; AND TO AMEND SECTION 6-1-330, RELATING TO A SERVICE OR USER FEE, SO AS TO PROVIDE THAT A PROVISION APPLIES TO AN ENTIRE ARTICLE.

Senators KIMPSON and RICE objected to consideration of the Bill.

OBJECTION

S. 1120 -- Senators Peeler and Alexander: A BILL TO AMEND SECTION 12-6-3795, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HOUSING TAX CREDIT, SO AS TO DEFINE TERMS AND LIMIT THE CREDIT; TO AMEND ARTICLE 3 OF CHAPTER 11, TITLE 1, RELATING TO THE ALLOCATION OF STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO DEVELOP A STATE CEILING ALLOCATION PLAN ANNUALLY, TO SPECIFY REQUIREMENTS OF THE PLAN, AND TO PROVIDE A PROCESS FOR PERIODIC ALLOCATIONS OF THE STATE CEILING; AND TO REPEAL SECTION 1-11-370 RELATING TO INDEBTEDNESS INCLUDED WITHIN ANY LIMITS ON PRIVATE ACTIVITY BONDS.

Senator TALLEY objected to consideration of the Bill.

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

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

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S. 1178 -- Senator Climer: A BILL TO AMEND SECTION 39-20-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITIES WRITTEN RENTAL AGREEMENTS, SO AS TO PROVIDE THAT A SELF-SERVICE STORAGE FACILITY OCCUPANT MAY CHOOSE WHERE TO PUBLISH AN ADVERTISEMENT OF SALE INCLUDING CERTAIN PUBLICLY ACCESSIBLE WEBSITES; AND TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR REQUIREMENTS FOR PUBLISHING AN ADVERTISEMENT OF A PUBLIC SALE.

CARRIED OVER

S. 1032 -- Senators Martin, Verdin, Kimbrell, Garrett, Senn and Climer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-80 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; AND TO REPEAL SECTION 23-6-60 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF SAFETY.

The Senate proceeded to a consideration of the Bill.

Senator SENN explained the Bill.

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

READ THE SECOND TIME

H. 4319 -- Reps. Calhoon, Huggins, Erickson, McCabe, Henderson-Myers, Crawford, Oremus, Henegan, McGarry, Matthews, Dillard, Allison, Bernstein, McDaniel, Murray, Felder, Bennett, R. Williams, Jefferson, Alexander and Kirby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-88 SO AS TO PROVIDE UPON THE REQUEST OF A PERSON, THE DEPARTMENT OF MOTOR VEHICLES MUST ISSUE A REAL ID COMPLIANT DRIVER'S LICENSE THAT CONTAINS THE PERSON'S NAME AS IT APPEARS ON HIS CURRENT DRIVER'S LICENSE.

The Senate proceeded to a consideration of the Bill.

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The question then being second reading of the Bill.

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

Ayes 40; Nays 0

AYES

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

Total--40

NAYS

Total--0

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

CARRIED OVER

H. 3509 -- Reps. Fry, Felder, Bernstein, Collins, Kimmons, Robinson, Haddon, V.S. Moss, Pope, Forrest, J.L. Johnson, W. Cox, Carter, Oremus, Henegan, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 63 SO AS TO ESTABLISH AN EXTENDED FOSTER CARE PROGRAM AND RELATED PROCEDURES TO ENABLE CERTAIN CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ON THEIR EIGHTEENTH BIRTHDAY TO CONTINUE TO RECEIVE SERVICES AND SUPPORTS FROM THE DEPARTMENT UNTIL THE AGE OF TWENTY-ONE; TO DEFINE TERMS; TO PROVIDE

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FOR VOLUNTARY AND COURT-ORDERED EXTENDED FOSTER CARE; TO REQUIRE CASE REVIEW AND PERMANENCY PLANNING; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING HEARINGS, SO AS TO MAKE CONFORMING CHANGES.

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

CARRIED OVER

S. 544 -- Senator Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-25 SO AS TO PROVIDE AN OPEN ENROLLMENT OPTION IN PUBLIC SCHOOLS, AND TO PROVIDE RELATED APPLICATION AND ENROLLMENT PROCEDURES; TO AMEND SECTION 59-40-145, RELATING TO INTERDISTRICT ATTENDANCE IN CHARTER SCHOOLS, SECTION 59-63-30, RELATING TO PUBLIC SCHOOL ATTENDANCE QUALIFICATIONS, SECTION 59-63-32, RELATING TO PUBLIC SCHOOL ENROLLMENT REQUIREMENTS, AND SECTION 59-63-480, RELATING TO PUBLIC SCHOOL ATTENDANCE REQUIREMENTS IN ADJACENT COUNTIES, ALL SO AS TO MAKE CONFORMING CHANGES; TO REPEAL SECTION 59-63-45, RELATING TO INTERDISTRICT STUDENT TRANSFER REIMBURSEMENTS, AND SECTION 59-63-500, RELATING TO INTERDISTRICT STUDENT TRANSFER CONSENT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2021.

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

CARRIED OVER

H. 3859 -- Reps. Jordan, Sandifer, Kirby and Cogswell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT A PERSON WHO OWNS OR OPERATES A WEBSITE DEALING IN ELECTRONIC DISSEMINATION OF THIRD-PARTY COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS SHALL MAKE CERTAIN DISCLOSURES, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE THAT THIS CHAPTER IS SUPPLEMENTAL TO STATE AND FEDERAL CRIMINAL AND CIVIL LAW, AND TO PROVIDE THAT VIOLATIONS CONSTITUTE AN UNFAIR TRADE PRACTICE.

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

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CARRIED OVER

H. 4831 -- Reps. Elliott, B. Cox, Caskey, Ballentine, Wooten, McGarry, Forrest, Erickson, Bernstein, Wetmore, Carter, Atkinson, Cogswell, W. Cox, Weeks, Wheeler, Henegan and Murray: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF COMMERCE TO CONDUCT AN ECONOMIC DEVELOPMENT STUDY TO EVALUATE THE STATE'S BUSINESS ADVANTAGES, ECONOMIC CLIMATE, WORKFORCE READINESS, AND ANY OTHER RELEVANT STATE ASSETS TO CREATE A ROADMAP TO EFFECTIVELY COMPETE IN ATTRACTING OFFSHORE WIND ENERGY SUPPLY CHAIN INDUSTRIES TO THE STATE; AND TO PROVIDE FOR THE PURPOSE AND DUTIES OF THE STUDY.

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

CARRIED OVER

S. 22 -- Senators Hutto, Shealy and Jackson: A BILL TO AMEND SECTION 63-19-820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACING CHILDREN IN AN ADULT JAIL, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; TO AMEND SECTION 63-19-1020, RELATING TO THE RIGHT OF CERTAIN PERSONS AND ENTITIES INJURED BY DELINQUENT ACTS OF A CHILD TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE CHILD, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF CERTAIN CHILDREN TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; TO AMEND SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE OF JUVENILES ADJUDICATED DELINQUENT BY THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 63-19-2050, AS AMENDED, RELATING TO EXPUNGEMENT OF CERTAIN COURT RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC

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EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

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

OBJECTION

S. 53 -- Senators Malloy and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, 1976, TO ENACT THE "SOUTH CAROLINA JUVENILE JUSTICE REFORM ACT", TO AMEND SECTION 63-1-20, RELATING TO THE CHILDREN'S POLICY OF SOUTH CAROLINA, TO INCLUDE WITHIN THE STATEMENT A PROVISION TO ESTABLISH A POLICY REGARDING THE CARE AND GUIDANCE OF CHILDREN WITHIN THE JUVENILE JUSTICE SYSTEM; AND TO MAKE CONFORMING CHANGES. (Abbreviated Title)

Senator HEMBREE objected to consideration of the Bill.

CARRIED OVER

S. 79 -- Senator Malloy: A BILL TO AMEND SECTION 44-23-430 OF THE 1976 CODE, RELATING TO HEARINGS CONCERNING A PERSON'S FITNESS TO STAND TRIAL, TO EXTEND THE LENGTH OF TIME CERTAIN PERSONS UNFIT TO STAND TRIAL MAY BE HOSPITALIZED FOR RESTORATION TREATMENT TO ONE HUNDRED EIGHTY DAYS, TO ALLOW THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE RESTORATION TREATMENT IN DETENTION CENTERS AND ON AN OUTPATIENT BASIS IN CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES; AND TO DEFINE NECESSARY TERMS.

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

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 613 -- Senator Davis: A BILL TO AMEND SECTION 40-33-42(C) OF THE 1976 CODE, RELATING TO RESTRICTIONS ON THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL UNDER THE NURSE PRACTICE ACT, TO PROVIDE AN EXCEPTION FOR CERTIFIED MEDICAL ASSISTANTS; TO AMEND ARTICLE 1, CHAPTER 47, TITLE 40 OF THE 1976 CODE, RELATING TO PHYSICIANS AND MISCELLANEOUS HEALTH CARE PROFESSIONALS, BY ADDING SECTION 40-47-196, TO SPECIFY TASKS THAT CAN BE DELEGATED TO A CERTIFIED MEDICAL ASSISTANT; TO DELETE SECTION 40-47-30(A)(5)

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AND SECTION 40-47-935(C) OF THE 1976 CODE, RELATING TO THE RELEVANCE OF THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT TO PROHIBITING A LICENSED PHYSICIAN FROM DELEGATING TASKS TO UNLICENSED PERSONNEL AND TO A PA DELEGATING CERTAIN TASKS TO UNLICENSED ASSISTIVE PERSONNEL; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (613R001.SP.DBV), which was adopted:

Amend the bill, as and if amended, on page 4, by striking line 25 and inserting:

/ is in such close proximity as to be /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (613CBH1), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 29-30 and inserting:

/ nurse. Unlicensed assistive personnel must not administer medications except as otherwise provided by law. /

Amend the bill as and if amended, page 3, by striking line 20 and inserting:

/ the Board of Medical Examiners except as otherwise provided by law. /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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

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

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Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 674 -- Senators Kimbrell, Rice, Talley, M. Johnson, Harpootlian and Loftis: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, BY ADDING SECTION 59-17-170, TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE CHIEF FINANCIAL OFFICER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE CHIEF FINANCIAL OFFICER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT

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ROLE DUE A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\674C001.RT.WAB22), which was adopted:

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

/ SECTION 1. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-170. (A) For the purposes of this section:

(1) ‘Booster club’ means a parent-led organization, not directly controlled by a school or school district, that is formed with the primary purpose of raising funds for the school, school district programs, interscholastic athletics, or afterschool activities.

(2) ‘Treasurer’ means a person or persons who maintains custody of a booster club’s financial records and or who has signatory authority on all of the booster club’s transactions, accounts, contracts, checks, or other instruments or undertakings of any kind.

(B)(1) A person who was convicted of, or pled guilty or nolo contendere to, a felony, a violation of Chapter 13 of Title 16, or a violation of Chapter 14 of Title 16 is prohibited from serving as the treasurer of a booster club.

(2) A treasurer who was convicted of, or who pled guilty or nolo contendere to, a crime identified in item (1) must immediately resign, and a new person must be assigned to that role within the booster club. A booster club is prohibited from disbursing funds for any purpose until a new person is installed as its treasurer.

(C)(1) Each booster club within a school district must annually register with the school district board of trustees no later than August first. The registration shall include the name of the booster club, its purpose, the name of each of the booster club’s officers, including its treasurer, and other information required by the school district board of trustees.

(2) A booster club that fails to register by August first is prohibited from disbursing any funds for any purpose until registration has been completed.

(D)(1) Upon the receipt of a booster club’s registration, a school district board of trustees shall request a state criminal records check, including fingerprints, from the South Carolina Law Enforcement Division of the treasurer. The school district board of trustees shall

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immediately notify a booster club if the criminal records check reveals that its treasurer is prohibited from serving in that role for the booster club pursuant to subsection (B).

(2) A school district board of trustees may charge a fee to offset the costs associated with the state criminal records check.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

The amendment was adopted.

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

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

Ayes 38; Nays 0

AYES

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

Total--38

NAYS

Total--0

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

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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 697 -- Senator Verdin: A BILL TO AMEND SECTION 44-43-400 OF THE 1976 CODE, RELATING TO THE JURISDICTION OF A CORONER OVER A BODY THAT IS THE SUBJECT OF AN ANATOMICAL GIFT, TO CLARIFY THAT THE CORONER MUST COOPERATE EXPEDITIOUSLY WITH A PROCUREMENT ORGANIZATION TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS FOR THE PURPOSE OF TRANSPLANTATION, THERAPY, RESEARCH, OR EDUCATION, EVEN WHEN PERFORMING AN INVESTIGATION.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (697R001.SP.DBV), which was adopted:

Amend the bill, as and if amended, on page 1, by striking line 31 and inserting:

/ transplantation, therapy, research, or education. A teleconference meeting with the coroner, organ procurement organization, and the forensic pathologist must be on record with the organ procurement organization for the purpose of demonstrating collaborative review of any potential decline of the anatomical gift. /

Re-number sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

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

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

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

S. 945 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2023.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\945C001.RT.WAB22):

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

/ SECTION 1. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

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“Section 59-19-85. (A) For the purpose of increasing public engagement in district business and making the decision-making process more visible and accessible to the community it serves, each public school governing body, including the governing bodies of charter schools and special schools, must make reasonable and necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are open and accessible to the public and also available by means of live electronic access, such as livestream transmission, except during a lawful executive session.

(B) Even if a governing body cannot provide such live electronic public access despite making reasonable and necessary efforts to restore livestream transmission during the meeting, it must make a clear audio and video recording of the meeting in its entirety available on its website as soon as practicable and in no event more than two business days after the meeting.

(C) The State Board of Education shall adopt, and revise as necessary, a model livestream meeting policy suitable for governing bodies of public schools, including charter and special schools, to comply with provisions in this section. The policy must include, at a minimum:

(1) resources, recommendations, and best practices facilitating requirements for all portions of streamed meetings to be visible and audible in real-time and subsequently posted on applicable websites within two business days of the meeting; and

(2) suggested approaches for developing and implementing livestreaming and expanding or improving existing livestream capacity;

(3) publicizing availability of livestream meetings;

(4) allowances for executive sessions; and

(5) penalties for policy violations or noncompliance not to exceed one percent of state funds to the district, charter school, or special school, with escalating tiers based on frequency, duration, and severity that the State Board of Education determines are reasonable and necessary to ensure the integrity of meeting governance.

(D)(1) Each public school governing body, including the governing bodies of charter schools and special schools, shall adopt a local policy applicable to its meetings within three months after adoption of the model policy by the State Board of Education. A local policy must include, at a minimum, the State Board of Education model policy.

(2) If the State Board of Education adopts a revision to the model policy, then the governing body shall adopt and incorporate the revision

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into its local policy within three months after the adoption of the revision by the State Board of Education.

(3) A governing body only may adopt or revise its local policy at a regularly scheduled meeting, which must be successfully livestreamed.

(4) A governing body may not adopt or follow a livestream policy that prevents or impedes in-person participation by the public except as may be reasonable and necessary for the orderly transaction of its business.

(5) Within thirty days after adoption of a local policy or revision to the policy, a governing body shall submit a copy of the policy or revision to the State Superintendent of Education for State Board of Education approval.”

SECTION 2. The provisions of this act must be implemented before July 1, 2023.

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator HEMBREE explained the amendment.

The question then being second reading of the Bill.

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

Motion Adopted

Senator HEMBREE 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.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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

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DISPLAY OF THE OFFICIAL MOTTOS OF THE UNITED STATES OF AMERICA AND SOUTH CAROLINA.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\969C001.RT.WAB22), which was adopted:

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

/ SECTION 1. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-325. (A) The State Superintendent of Education shall make provisions to implement rules and regulations developed by the State Board of Education for the display of the following depictions in a prominent location in each public school in this State:

(1) the official motto of the United States, ‘In God We Trust’;

(2) the official mottos of South Carolina, ‘Dum Spiro Spero’ and ‘Animis Opibusque Parati,’ and their respective translations;

(3) an accurate representation of the United States flag; and

(4) an accurate representation of the South Carolina state flag.

(B) The head of each public school shall ensure that the depictions required in subsection (A) are displayed in the manner adopted by the State Board of Education and as directed by the State Superintendent of Education. Nothing in this section shall prohibit the solicitation or acceptance of funds donated to achieve its purpose.”

SECTION 2. This act takes effect upon approval by the Governor. / Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

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

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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

Total--41

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1045 -- Senators Alexander and M. Johnson: A BILL TO AMEND SECTION 58-23-20 OF THE 1976 CODE, RELATING TO REGULATIONS FOR TRANSPORTATION BY MOTOR VEHICLE, TO PROVIDE REGULATIONS FOR THE OPERATION OF TRANSPORTATION VEHICLES; TO AMEND SECTION 58-23-25 OF THE 1976 CODE, RELATING TO THE PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY, TO PROVIDE FOR THE STATUTORY CONSTRUCTION OF THE CHAPTER RELATED TO THE LIMITATION OF CERTAIN AUTHORITY VESTED WITH PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY; TO AMEND SECTION 58-23-30 OF THE 1976 CODE, RELATING TO THE DEFINITION OF COMPENSATION, TO DEFINE TRANSPORTATION VEHICLES ACCORDINGLY; TO AMEND SECTION 58-23-60(5) OF THE 1976 CODE, RELATING TO AREAS IN WHICH THIS CHAPTER IS NOT APPLICABLE TO BUSINESSES, TO INCLUDE VEHICLES OPERATED BY A MUNICIPALITY; TO AMEND SECTION 58-23-210 OF THE 1976

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CODE, RELATING TO CLASSES OF CERTIFICATES, TO PROVIDE A TIMELINE FOR THE APPLICATION OF A COMMISSION'S DIRECTIVES; TO AMEND SECTION 58-23-220 OF THE 1976 CODE, RELATING TO CLASS A CERTIFICATES, TO PROVIDE THAT THE COMMISSION SHALL ISSUE DIRECTIVES TO ISSUE CLASS A CERTIFICATES; TO AMEND SECTION 58-23-230 OF THE 1976 CODE, RELATING TO CLASS B CERTIFICATES, TO REGULATE THE POWERS OF THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-23-240 THROUGH SECTION 58-23-290 OF THE 1976 CODE, RELATING TO CERTIFICATES, TO ALTER LANGUAGE; TO AMEND SECTION 58-23-330 OF THE 1976 CODE, RELATING TO GROUNDS FOR ISSUANCE OR DENIAL OF CERTIFICATE, TO PROVIDE REGULATIONS FOR ISSUING OR DENYING A CERTIFICATE UPON RECEIPT OF AN APPLICATION; TO AMEND SECTION 58-23-560 OF THE 1976 CODE, RELATING TO LICENSE FEES FOR CERTIFICATE HOLDERS, TO PROVIDE ELIGIBILITY REGULATIONS FOR CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-590 OF THE 1976 CODE, RELATING TO CARRIERS OF HOUSEHOLD GOODS AND HAZARDOUS WASTE FOR DISPOSAL, TO PROVIDE THE POWERS OF THE COMMISSION; TO AMEND SECTION 58-23-600 OF THE 1976 CODE, RELATING TO TIME FOR PAYMENT OF FEES, TO PROVIDE REGULATIONS FOR FEES REQUIRED OF CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-910 AND SECTION 58-23-930 OF THE 1976 CODE, RELATING TO INSURANCE OR BOND, TO PROVIDE INSURANCE, BOND, OR CERTIFICATE OF SELF-INSURANCE REQUIREMENTS FOR CERTIFICATE HOLDERS; TO AMEND SECTIONS 58-23-1010, 58-23-1020, 58-23-1080, AND 58-23-1090 OF THE 1976 CODE, RELATING TO RIGHTS AND DUTIES GENERALLY, TO PROVIDE REGULATIONS FOR FEES, LICENSES, AND OTHER MARKERS; TO AMEND SECTION 58-4-60(B)(1) OF THE 1976 CODE, RELATING TO EXPENSES BORNE BY REGULATED UTILITIES, TO REFERENCE THE PROVISIONS IN THE CODE GENERATING FEES THAT ARE TO BE USED TO PAY FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT OF THE OFFICE OF REGULATORY STAFF; AND TO AMEND CHAPTER 23, TITLE 58 OF THE 1976, RELATING TO MOTOR VEHICLE CARRIERS, TO REPEAL SECTIONS 58-23-300, 58-23-530, 58-23-540, 58-23-550, AND 58-23-1060.

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The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1045.002), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 19 through line 35, in Section 58-23-30, as contained in SECTION 3, and inserting:

/ “Section 58-23-30. ‘For compensation’ as used in Section 58-23-20 means a return payment in money or property for transportation of persons, hazardous waste for disposal, or household goods or property by motor vehicle over public highways within the State of South Carolina, ~~whether paid, received or realized, and shall specifically include any profit realized on the delivered price of cargo where title or ownership is temporarily vested during transit in the carrier as a subterfuge for the purpose of avoiding regulation under this chapter. Where the profit is equal to or less than the regularly established rate applicable to the transportation of property by common carriers authorized by law to transport property for compensation, such scheme or device shall be presumed to be a subterfuge for the purpose of avoiding regulation under this chapter for those other than certificated carriers within their operating authority; provided, however, nothing herein shall prohibit the vendor from delivering any purchased property to the vendee.~~” /

Amend the bill further, as and if amended, beginning on page 4, line 15, and ending on page 5, line 19, by striking SECTION 6 and SECTION 7 in their entirety, and inserting:

/ SECTION 6. Section 58-23-210 of the 1976 Code is amended to read:

“Section 58-23-210. ~~The Office of Regulatory Staff, upon order of the commission, may issue six classes of certificates as are mentioned in Section 58-23-40 after application therefor has been made in writing by the owner of the vehicles upon blanks provided by the commission and after such hearing as the commission may consider proper. The commission must hear any objections by any person or corporation who may be affected by the issuance of a certificate by the Office of Regulatory Staff. The six classes of certificates shall be respectively designated certificate A, certificate B, certificate C, certificate D, certificate E, and certificate F.~~

(A) An applicant applying for a certificate or applying to amend a certificate to operate as a motor vehicle common carrier must submit a written application to the commission on a form provided by the commission. The commission must post information regarding an

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application to apply for a certificate or amend a certificate for fifteen days immediately following receipt of the application. Any person who may be affected by the issuance or amendment of the requested certificate or amendment may file a written objection with the commission within fourteen days after the commission posts the notice regarding the application.

(B)(1) If no objection to an application is filed pursuant to subsection (A), the commission may meet to determine if the applicant is fit, willing and able to perform the proposed service, upon a showing based upon criteria established by the commission. If the commission issues a directive approving the application, the Office of Regulatory Staff may then issue the certificate. The directive of the commission shall serve as the commission's order thirty days after issuance.

(2) If an objection is filed with the commission, the commission must hold a hearing to determine if the applicant is fit, willing and able to perform the proposed service. The commission must publish a notice of hearing for an application for a certificate on the commission's website for not less than thirty days before the date of the hearing.

(C) If an application is denied, another application may not be made until at least six months have elapsed since the date of the denial."

SECTION 7. Section 58-23-220 of the 1976 Code is amended to read:

"Section 58-23-220. The Office of Regulatory Staff, upon ~~order~~ directive of the commission, may issue a certificate A in the following cases:

(1) to an applicant to operate in territory already served by any certificate holder under this chapter or any common carrier when ~~the public convenience and necessity in such territory are~~ is not already being reasonably served by some other certificate holder or common carrier, provided such applicant propose to operate on a fixed schedule and to comply with the other provisions contained in Articles 1 to 11 of this chapter and the rules and regulations which may be made by the commission respecting holders of this class of certificates; and

(2) to an applicant for a certificate to operate upon a regular schedule in a territory not already served by the holder of a certificate A, when ~~public convenience and necessity in such territory are~~ is not being reasonably served by a certificate holder under this chapter or a common carrier; provided, that when a certificate A is issued to an applicant over territory which is being served at the time such certificate is granted by the holder of a certificate B, the right of the applicant to operate under certificate A shall not begin until the expiration of the then license year

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of the holder of the certificate B and the holder of a certificate B shall be preferred in granting a certificate A over the route unless ~~in the judgment of the commission~~ it would not be in the interest of the public service.

In either case the existence of a railroad or other motor vehicle carrier in the territory sought to be served by the applicant shall not be considered by the commission as good cause for refusing the application.” /

Amend the bill further, as and if amended, page 7, line 11 through line 31, by striking SECTION 14 in its entirety.

Amend the bill further, as and if amended, page 10, by striking line 27 through line 43, in Section 58-23-1010, as contained in SECTION 20, and inserting:

/ “Section 58-23-1010. (A) The commission shall regulate every motor carrier in this State and fix or approve the ~~rates, fares, charges,~~ classifications, and regulations pertaining to each motor carrier, except as provided in Section 58-23-20. ~~The rates once established remain in effect until such time when the commission determines the rates are unreasonable. The commission may approve joint rates, local rates, and rate agreements between two or more motor carriers relating to rates, classifications, allowances, and charges agreed to and published by individuals, firms, corporations, or the South Carolina Tariff Bureau. Any of these agreements when approved by the commission are not in violation of Section 39-3-10.~~

(B) As to holders of a certificate ~~CE~~, ~~the commission shall fix a maximum rate only~~ the carrier shall file a maximum rate schedule with the commission. The commission must post the maximum rate schedule filing within one business day of receipt. The new maximum rate schedule shall go into effect one business day following the commission’s posting of the new schedule. Holders of certificate E shall have the flexibility for adjustment of the rates below the maximum rate levels without commission approval. The commission shall publish the maximum rate schedule on its website. /

Amend the bill further, as and if amended, page 12, lines 6-11, by striking SECTION 25 and SECTION 26, and inserting:

/ SECTION 25. Chapter 23, Title 58 of the 1976 Code is amended by repealing Sections 58-23-300, 58-23-330, 58-23-530, 58-23-540, 58-23-550, and 58-23-1060.

SECTION 26. The Public Service Commission must make information readily available so that the general public can easily access information regarding the requirements in Articles 3 and 9 in Chapter 23, Title 58. This includes, but is not limited to, the commission posting on

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its website information regarding the following: list of certified companies, maximum rates, insurance, and complaint resolution.

SECTION 27. This act becomes effective upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

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

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1103 -- Senators Shealy, Jackson, Talley, Davis, Gustafson, M. Johnson, Young, Kimbrell, McElveen, Williams, Cromer, Grooms, Alexander Gambrell, Setzler and Malloy: A BILL TO AMEND CHAPTER 3, TITLE 59 OF THE 1976 CODE, RELATING TO THE STATE SUPERINTENDENT OF EDUCATION, BY ADDING SECTION 59-3-35 TO PROVIDE FOR THE DISTRIBUTION OF CHILD IDENTIFICATION KITS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\1103C001.RT.WAB22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-3-35(A) and inserting:

/ (A) The Department of Education shall provide to all school districts and open-enrollment charter schools inkless, in-home fingerprint and DNA identification kits to be distributed throughout the district or school on request to the parent or legal custodian of any kindergarten, elementary, middle, or high school student. /

Re-number sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

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

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

Ayes 41; Nays 0

AYES

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

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Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1136 -- Senators Loftis, Talley, Turner and Climer: A BILL TO ENACT THE "AUDIOLOGY AND SPEECH-LANGUAGE INTERSTATE COMPACT ACT", TO AMEND CHAPTER 67, TITLE 40 OF THE 1976 CODE, RELATING TO SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BY ADDING ARTICLE 5, TO OUTLINE STATE PARTICIPATION IN THE COMPACT, TO OUTLINE PRIVILEGES FOR AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS RESULTING FROM THE COMPACT, TO ALLOW FOR THE PRACTICE OF TELEHEALTH, TO PROVIDE ACCOMMODATIONS FOR ACTIVE-DUTY MILITARY PERSONNEL AND THEIR SPOUSES, TO PROVIDE A MECHANISM FOR TAKING ADVERSE ACTIONS AGAINST LICENSEES, TO ESTABLISH THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION, TO ESTABLISH A DATA SYSTEM, TO OUTLINE THE RULEMAKING PROCESS, TO ADDRESS OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT DUTIES AND RESPONSIBILITIES, TO ESTABLISH THE DATE OF IMPLEMENTATION OF THE COMMISSION, RULES, WITHDRAWAL, AND AMENDMENTS, TO ADDRESS STATUTORY CONSTRUCTION, SEVERABILITY, AND THE BINDING EFFECT OF THE COMPACT; TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1,

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ENTITLED "GENERAL PROVISIONS"; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (1136R002.KMM.DBV), which was adopted:

Amend the bill, as and if amended, on page 3, by striking lines 3 - 8 and inserting:

/ (2) 'Adverse action' means any administrative, civil, equitable, or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against an audiologist or speech language pathologist, including actions against an individual's license or privilege to practice, such as a revocation, suspension, probation, or monitoring of the licensee, or a restriction on the licensee's practice. /

Amend the bill further, as and if amended, on page 3, by striking lines 31 - 36 and inserting:

/ (9) 'Current significant investigative information' means investigative information that a licensing board has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction, following an inquiry or investigation that includes notification and an opportunity for the audiologist or speech language pathologist to respond, if required by state law. /

Amend the bill further, as and if amended, on page 6, by striking lines 19 - 21 and inserting:

/ (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program; /

Amend the bill further, as and if amended, on page 7 by striking lines 1 - 29 and inserting:

/ (i) the program and institution have been approved by the authorized accrediting body in the applicable country; and

(ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

(2) complete a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;

(3) complete a supervised postgraduate professional experience as required by the commission;

(4) pass a national examination approved by the commission;

(5) hold an active, unencumbered license;

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(6) not have been convicted or found guilty of, and not have entered into an agreed disposition for, a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and

(7) have a valid United States Social Security or National Provider Identifier number.

(G) A privilege to practice is derived from the home state license.

(H) An audiologist or speech language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time the service is provided. The practice of audiology and speech-language pathology includes all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice subjects an audiologist or speech language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time the service is provided. /

Amend the bill further, as and if amended, on page 8, by striking lines 1 - 31 and inserting:

/ Section 40-67-540. (A) To exercise the compact privilege under the terms and provisions of the compact, an audiologist or speech language pathologist must:

(1) hold an active license in his home state;

(2) have no encumbrance on any state license;

(3) be eligible for a compact privilege in any member state in accordance with Section 40-67-530;

(4) have not had any adverse action against any license or compact privilege within the previous two years from the date of the application;

(5) notify the commission that he is seeking the compact privilege within a remote state;

(6) pay any applicable fees, including any state fee, for the compact privilege; and

(7) report to the commission adverse action taken by any non-member state within thirty days from the date the adverse action is taken.

(B) For the purposes of the compact privilege, an audiologist or speech language pathologist may hold only one home state license at a time.

(C) Except as provided for in Section 40-67-560, if an audiologist or speech language pathologist changes his primary state of residence by moving between two member states, then the audiologist or speech

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language pathologist must apply for licensure in his new home state, and the license issued by the prior home state must be deactivated in accordance with applicable rules adopted by the commission.

(D) The audiologist or speech language pathologist may apply for licensure in his new home state in advance of a change in his primary state of residence.

(E) A license may not be issued by a new home state until the audiologist or speech language pathologist provides satisfactory evidence of a change in his primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from his new home state.

(F) If an audiologist or speech language pathologist changes his primary state of residence by /

Amend the bill, as and if amended, on page 9, by striking lines 17 - 22 and inserting:

/ Section 40-67-550. Member states must recognize the right of an audiologist or speech language pathologist who is licensed by a home state in accordance with Section 40-67-530 and under rules promulgated by the commission to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission. /

Amend the bill further, as and if amended, on page 9, by striking lines 35 - 43, and on page 10, by striking lines 1 - 39 and inserting:

/ (a) take adverse action against an audiologist's or speech language pathologist's privilege to practice within that remote state; and

(b) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court, applicable to subpoenas issued in proceedings pending before it. The issuing authority must pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(2) Only a home state has the power to take adverse action against an audiologist's or speech language pathologist's license issued by the home state.

(B) For the purposes of taking adverse action, a home state must give the same priority and effect to reported conduct received from a member

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state as it would if the conduct occurred within the home state. In so doing, the home state must apply its own state laws to determine appropriate action.

(C) A home state must complete any pending investigations of an audiologist or speech language pathologist who changes his primary state of residence during the course of the investigations. The home state also has the authority to take appropriate actions and must promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system must promptly notify the new home state of any adverse actions.

(D) If otherwise permitted by state law, a member state may recover from an affected audiologist or speech language pathologist the costs of investigations and the disposition of cases resulting from any adverse action taken against that audiologist or speech language pathologist.

(E) A member state may take adverse action based on the factual findings of a remote state, provided that the member state follows its own procedures for taking adverse action.

(F) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. Member states must share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(G) If adverse action is taken by a home state against an audiologist's or speech language pathologist's license, then the audiologist's or speech language pathologist's privilege to practice in all other member states is deactivated until all encumbrances are removed from the state license. All home-state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license must include a statement that the audiologist's or speech language pathologist's privilege to practice is deactivated in all member states during the pendency of the order. /

Amend the bill further, as and if amended, on page 12, by striking lines 11 - 14 and inserting:

/ (7) bring and prosecute legal proceedings or actions in the name of the State's audiology or speech language pathology licensing board, provided that the standing of any state licensing board to sue or be sued under applicable law must not be affected; /

Amend the bill further, as and if amended, on page 20, by striking lines 11 - 14 and inserting:

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/ (2) Withdrawal does not affect the continuing requirement of the withdrawing state's audiology or speech language pathology licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

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

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

Motion Adopted

Senator MARTIN 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.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 1179 -- Senator Shealy: A BILL TO AMEND SECTION 40-63-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SOCIAL WORKERS, SO AS TO DEFINE THE TERM "TELEHEALTH"; TO AMEND SECTION 40-63-290, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS SOCIAL WORKERS, SO AS TO SIMILARLY EXEMPT CERTAIN INDEPENDENT SOCIAL WORKERS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE; TO AMEND SECTION 40-75-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO DEFINE THE TERM "TELEHEALTH";

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AND TO AMEND SECTION 40-75-290, AS AMENDED, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO SIMILARLY EXEMPT SUCH PROFESSIONALS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (WAB\1179C001.RT.WAB22), which was adopted:

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

/ SECTION 1. Section 40-63-30(B) of the 1976 Code is amended to read:

“(B) A person providing social work services to a client in this State, through telephonic, electronic, or other means, regardless of the location of the social worker, who is not licensed ~~in~~ or registered by this State, is practicing without a license. A social worker licensed by this State may provide services through these means to a client in this State within their appropriate scope of practice.”

SECTION 2. Article 1, Chapter 63, Title 40 of the 1976 Code is amended by adding:

“Section 40-63-35. (A) For purposes of this section, ‘behavioral telehealth’ means the practice of Independent Social Work-CP using electronic communications, information technology, or other means between a registrant located outside this State and a client located in this State with or without an intervening practitioner. A behavioral telehealth provider has the duty to practice in a manner consistent with his scope of practice and the prevailing professional standard of practice for an Independent Social Work-CP who provides in-person social work services to clients in this State.

(B) An Independent Social Work-CP who holds an active license to provide independent social work services in another state or jurisdiction may provide independent social work services using behavioral telehealth to a client located in this State if the individual is registered with the board and provides the services within the applicable scope of practice established by this State.

(C) To be registered, the individual must:

- (1) complete an application in the format prescribed by the board;

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(2) be licensed with an active, unencumbered license that is issued by another state, the District of Columbia, or a possession or territory of the United States and that is substantially similar to a license issued by South Carolina to an Independent Social Worker-CP;

(3) have not been the subject of disciplinary action relating to his license during the five-year period immediately prior to the submission of the application; and

(4) pay a ten dollar fee.

(D) The website of a behavioral telehealth registrant must prominently display a hyperlink to the board's website containing information required under subsection (F).

(E) The individual may not register under this section if his license to provide social work services is subject to a pending disciplinary investigation or action or has been revoked in any state or jurisdiction. A social worker registered under this section must notify the board of restrictions placed on his license to practice, or any disciplinary action taken or pending against him, in any state or jurisdiction. The notification must be provided within five business days after the restriction is placed or disciplinary action is initiated or taken.

(F) The board shall publish on its website a list of all registrants and include, to the extent applicable, each registrant's:

(1) name;

(2) address;

(3) out-of-state social work license type with the license number;

and

(4) South Carolina behavioral telehealth registration number.

(G) The board may take disciplinary action against an out-of-state registrant registered under this section if the individual:

(1) fails to notify the board of any adverse actions taken against his license as required under subsection (E);

(2) has restrictions placed on or disciplinary action taken against his license in any state or jurisdiction;

(3) violates any of the requirements of this section; or

(4) commits any act that constitutes grounds for disciplinary action under the board's statutes or regulations.

(H) For the purposes of this section, the delivery of behavioral telehealth services by a registrant licensed by another state or jurisdiction to a client residing in this State is deemed to occur in this State, and the registrant consents, as a condition of registration, to the personal and subject matter jurisdiction and disciplinary authority of the board.

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(I) Nothing in this section requires or authorizes an individual licensed by this State pursuant to this chapter to obtain a behavioral telehealth registration in order to provide behavioral telehealth services to a client residing in this State.”

SECTION 3. Chapter 75, Title 40 of the 1976 Code is amended by adding:

“Article 5

Behavioral Telehealth

Section 40-75-800. (A) For purposes of this chapter, ‘behavioral telehealth’ means the practice of professional counseling, addiction counseling, marriage and family therapy, and licensed psycho-educational specialty using electronic communications, information technology, or other means between a registrant located outside this State and a client located in this State with or without an intervening practitioner. A behavioral telehealth provider has the duty to practice in a manner consistent with his scope of practice and the prevailing professional standard of practice for a behavioral health care professional who provides in-person professional counseling, addiction counseling, marriage and family therapy, and licensed psycho-educational specialist services to clients in this State.

(B) Individuals who hold an active license to provide professional counseling, addiction counseling, marriage and family therapy, and licensed psycho-educational specialist services in another state or jurisdiction may provide these services using behavioral telehealth to a client located in this State if the individual is registered with the board and provides the services within the applicable scope of practice established by this State.

(C) To be registered, the individual must:

- (1) complete an application in the format prescribed by the board;
- (2) be licensed with an active, unencumbered license that is issued by another state, the District of Columbia, or a possession or territory of the United States and that is substantially similar to a license issued by South Carolina to a professional counselor, addiction counselor, marriage and family therapist, or licensed psycho-educational specialist;
- (3) have not been the subject of disciplinary action relating to his license during the five-year period immediately prior to the submission of the application; and
- (4) pay a ten dollar fee.

(D) The website of a behavioral telehealth registrant must prominently display a hyperlink to the board’s website containing information required under subsection (F).

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(E) The individual may not register under this subsection if his license to provide professional counseling, addiction counseling, marriage and family therapy, or licensed psycho-educational specialist services is subject to a pending disciplinary investigation or action, or has been revoked in any state or jurisdiction. An individual registered under this section must notify the board of restrictions placed on his license to practice or any disciplinary action taken or pending against him in any state or jurisdiction. The notification must be provided within five business days after the restriction is placed or disciplinary action is initiated or taken.

(F) The board shall publish on its website a list of all registrants and include, to the extent applicable, each registrant's:

- (1) name;
- (2) address;
- (3) out-of-state professional license type with the license number;

and

- (4) South Carolina behavioral telehealth registration number

(G) The board may take disciplinary action against an out-of-state registrant registered under this section if the individual:

- (1) fails to notify the board of any adverse actions taken against his license as required under subsection (E);
- (2) has restrictions placed on or disciplinary action taken against his license in any state or jurisdiction;
- (3) violates any of the requirements of this section; or
- (4) commits any act that constitutes grounds for disciplinary action under the board's statutes or regulations.

(H) For the purposes of this section, the delivery of behavioral telehealth services by a registrant licensed by another state or jurisdiction to a client residing in this State is deemed to occur in this State, and the registrant consents, as a condition of registration, to the personal and subject matter jurisdiction and disciplinary authority of the board.

(I) Nothing in this section requires or authorizes an individual licensed by this State pursuant to this chapter to obtain a behavioral telehealth registration in order to provide behavioral telehealth services to a client residing in this State.”

SECTION 4. This act takes effect thirty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

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The amendment was adopted.

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

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

CARRIED OVER

H. 3105 -- Reps. Yow, Burns, Chumley, Magnuson, McCravy, Wooten, Fry, B. Cox, May, Haddon, Long, Gilliam, Forrest, Nutt, Trantham, Oremus, McGarry, Bennett, Jones, Thayer, Hiott, Willis, Huggins, Hixon, McCabe, Dabney, B. Newton, Bryant, Elliott, M.M. Smith, Pope, D.C. Moss, Ballentine, Lucas, Crawford, Erickson, Bradley, T. Moore, Wheeler, Herbkersman, W. Newton, Martin, Taylor and Davis: A BILL TO AMEND CHAPTER 32, TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "SOUTH

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CAROLINA RELIGIOUS FREEDOM ACT”, SO AS TO PROVIDE THAT RELIGIOUS SERVICES ARE DEEMED AN ESSENTIAL SERVICE DURING A STATE OF EMERGENCY AND MUST BE ALLOWED TO CONTINUE OPERATING THROUGHOUT THE STATE OF EMERGENCY.

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

CARRIED OVER

H. 3524 -- Reps. Hixon and Forrest: A BILL TO AMEND ACT 205 OF 2016, AS AMENDED, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO JUNE 30, 2022.

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

CARRIED OVER

H. 3773 -- Reps. West, G.M. Smith, Weeks, White, Hill, Jefferson and Anderson: A BILL TO AMEND SECTION 44-23-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO BOTH MENTALLY ILL PERSONS AND PERSONS WITH INTELLECTUAL DISABILITY, SO AS TO ADD A DEFINITION FOR “RESTORATION TREATMENT”; AND TO AMEND SECTION 44-23-430, RELATING TO HEARINGS ON A PERSON’S FITNESS TO STAND TRIAL, SO AS TO EXTEND THE LENGTH OF TIME CERTAIN PERSONS UNFIT TO STAND TRIAL MAY BE HOSPITALIZED FOR RESTORATION TO ONE HUNDRED EIGHTY DAYS, TO ALLOW THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE RESTORATION TREATMENT IN DETENTION CENTERS AND ON AN OUTPATIENT BASIS IN CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

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

READ THE SECOND TIME

S. 1200 -- Senators Kimbrell and Talley: A BILL TO AMEND SECTION 50-25-1320 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON LAKE WILLIAM C. BOWEN, TO REVISE THE MOTOR RESTRICTIONS ON THE LAKE.

The Senate proceeded to a consideration of the Bill.

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Senator KIMBRELL explained the Bill.

The question then being second reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

READ THE SECOND TIME

S. 1204 -- Senator Alexander: A BILL TO AMEND SECTION 7-7-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

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Senator RANKIN explained the Bill.

The question then being second reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

CARRIED OVER

S. 1222 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NEED-BASED GRANTS PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 5054, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

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Senator HEMBREE explained the Resolution.

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

CARRIED OVER

S. 1223 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 5053, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

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

CARRIED OVER

S. 1224 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LIFE SCHOLARSHIP PROGRAM AND LIFE SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 5052, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

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

CARRIED OVER

S. 1225 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO DETERMINATION OF RATES OF TUITION AND FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5051, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

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

AMENDED AND ADOPTED

H. 4571 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CLEVELAND STREET WEST OF THE CSX RAILROAD TRACK IN THE CITY OF DILLON "CASEY MANNING DRIVE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH NORTH ELEVENTH AVENUE CONTAINING THESE WORDS.

The Senate proceeded to a consideration of the Bill.

Senator WILLIAMS proposed the following amendment (4571KW1), which was adopted:

Amend the Concurrent Resolution, as and if amended, by striking lines 20 - 24 on page 2 and inserting:

/ That the members of the General Assembly, by this resolution, request the Department of Transportation name the portion of West Cleveland Street in the City of Dillon from its intersection with United States Highway 301 to its intersection with North Eleventh Avenue "Casey Manning Drive" and erect appropriate markers or signs at its intersection with North Eleventh Avenue containing these words. /

Amend the Concurrent Resolution further, as and if amended, by striking lines 11 - 16 on page 1 and inserting:

/ TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CLEVELAND STREET IN THE CITY OF DILLON FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO ITS INTERSECTION WITH NORTH ELEVENTH AVENUE "CASEY MANNING DRIVE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH NORTH ELEVENTH AVENUE CONTAINING THESE WORDS. /

Renumber sections to conform.

Amend title to conform.

Senator WILLIAMS explained the amendment.

The amendment was adopted.

The Resolution as amended was adopted, ordered returned to the House.

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ADOPTED

H. 4955 -- Reps. Alexander and Kirby: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 327 AND SOUTH CAROLINA HIGHWAY 51 IN FLORENCE COUNTY "REVEREND BENNIE LEE GREENE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION 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.

RULE 32B

Pursuant to Rule 32B, Senator MASSEY, as Chairman of the Committee on Rules, called H. 3126 from the Contested Calendar.

MADE SPECIAL ORDER

H. 3126 -- Reps. Jones, Burns, Chumley, Magnuson, Taylor, Haddon, Long, Forrest, McCabe, Oremus, Hill, M.M. Smith, Huggins, Wooten, Ballentine, Bustos, B. Cox, Elliott, Trantham, Willis, Nutt, Morgan, McCravy, Thayer, V.S. Moss, Stringer, T. Moore, Allison, Hixon, Bennett, Fry, Kimmons, Davis and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF TO ACCEPT ANY FEDERAL FUNDS TO ENFORCE AN UNLAWFUL FEDERAL MASK MANDATE OR UNLAWFUL FEDERAL VACCINE MANDATE.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MOTION ADOPTED

At 3:50 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

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AMENDED, READ THE SECOND TIME

H. 3126 -- Reps. Jones, Burns, Chumley, Magnuson, Taylor, Haddon, Long, Forrest, McCabe, Oremus, Hill, M.M. Smith, Huggins, Wooten, Ballentine, Bustos, B. Cox, Elliott, Trantham, Willis, Nutt, Morgan, McCravy, Thayer, V.S. Moss, Stringer, T. Moore, Allison, Hixon, Bennett, Fry, Kimmons, Davis and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF TO ACCEPT ANY FEDERAL FUNDS TO ENFORCE AN UNLAWFUL FEDERAL MASK MANDATE OR UNLAWFUL FEDERAL VACCINE MANDATE.

Pursuant to Rule 32B, the Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator MASSEY spoke on the Bill.

Amendment No. 1

Senator MASSEY proposed the following amendment (3126R007.KMM.ASM), which was adopted:

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

/ SECTION 1. The General Assembly declares the practice of discrimination against an individual because the individual has chosen not to receive a COVID-19 vaccination or booster is a matter of state concern and is in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual's own ability.

SECTION 2. The General Assembly believes that a federal vaccine mandate is unconstitutional and shall not be enforced by this State unless, after legal challenge, courts of this State or of the United States of America hold the federal vaccine mandate to be enforceable.

SECTION 3. (A) Except as provided in subsection (B), the State or any political subdivision thereof, including a school district, may not enact a COVID-19 vaccine mandate for any:

(1) employee, independent contractor, or nonemployee vendor as a condition of employment or conducting business with the State or a political subdivision;

(2) student as a condition of attendance; or

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(3) participant, volunteer, or other person associated with an auxiliary event, activity, or program as a condition for participating in, volunteering for, or associating with the auxiliary event, activity, or program.

(B) If the State or any political subdivision thereof, including a school district, is subject to a federal requirement that would lead to the forfeiture of federal funds due to a failure to require employees, independent contractors, or nonemployee vendors to receive a COVID-19 vaccination:

(1) the employer may require an unvaccinated employee, independent contractor, or nonemployee vendor to undergo weekly COVID-19 testing if the federal requirement allows for testing as an alternative to vaccination; or

(2) the employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 14 if the federal mandate gives the employer no alternative to terminating the employee without forfeiting federal funds.

(C) The Department of Health and Environmental Control and the Medical University of South Carolina shall partner with state and local government employers to provide COVID-19 testing as provided in subsection (B)(1).

SECTION 4. Chapter 15, Title 8 of the 1976 Code is amended by adding:

“Section 8-15-80. (A) Neither the State, nor any of its political subdivisions, may terminate, suspend, or otherwise reduce the compensation of a person employed as a first responder if the first responder does not undergo a COVID-19 vaccination.

(B) For purposes of this section, ‘first responder’ means a law enforcement officer, firefighter, emergency medical technician, or paramedic who is paid from public funds.”

SECTION 5. (A) If a private employer terminates, suspends, or otherwise reduces the compensation of an employee because the employee does not receive a COVID-19 vaccination or booster, that employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 14.

(B) For purposes of this section, “private employer” means all employers other than the state and its political subdivisions, including school districts.

(C) Employee eligibility for unemployment benefits pursuant to this section is retroactive to nine months prior to the effective date of this act.

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SECTION 6. Nothing contained in this act shall prevent an employer from encouraging, promoting, or administering vaccinations, and nothing in this act shall prevent an employer from offering incentives to employees who elect to be vaccinated.

SECTION 7. (A) A private employer's vaccine mandate may not:

- (1) extend to independent contractors, nonemployee vendors, or other third-parties that provide goods or services to the employer; and
- (2) be used to coerce independent contractors, nonemployee vendors, or other third-parties that provide goods or services to the employer into implementing a vaccine mandate to maintain the business relationship.

(B) For purposes of this section, "private employer" means all employers other than the state and its political subdivisions, including school districts.

SECTION 8. Notwithstanding any other provision of law, a religious exemption or medical exemption must be honored regarding any COVID-19 vaccine or booster requirement. A medical exemption may include the presence of antibodies, a prior positive COVID-19 test, or pregnancy. To claim a religious exemption, a person must provide his employer with a short, plain statement attesting to the fact that a tenet of his deeply held religious convictions would be violated by receiving the COVID-19 vaccine and booster.

SECTION 9. (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the basis of the person's vaccination status.

(B) No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of subsection (A); or intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of subsection (A); or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of subsection (A).

(C) Each of the following establishments that serves the public is a place of public accommodation within the meaning of this section if discrimination or segregation by it is supported by state action:

- (1) any inn, hotel, motel, or other establishment that provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and

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which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premise, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;

(3) any hospital, clinic, or other medical facility that provides overnight accommodations;

(4) any retail or wholesale establishment;

(5) any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and

(6) any establishment that is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

(D) The provisions of this chapter do not apply to a private club or other establishment not in fact open to the general public. An institution, a club, an organization, or a place of accommodation, as defined in subsection (D), that offers memberships for less than thirty days is not private within the meaning of this section.

(E) Complaints concerning violations of the provisions of this section must be processed and heard pursuant to Article 3, Chapter 9, Title 45. Penalties and remedies for violations of this section are governed by the provisions contained in Article 5, Chapter 9, Title 45.

(F) For the purposes of this section:

(1) "Supported by state action" means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to the exclusion provided in Section 45-9-20, which has or must have a license or permit from the State, its agencies, or local governmental entities to lawfully operate.

(2) "Vaccination status" means whether a person has been vaccinated against COVID-19 or has received a COVID-19 vaccination booster.

SECTION 10. The provisions contained in Act 99 of 2021, the South Carolina COVID-19 Liability Immunity Act, are hereby reenacted, retroactive to the date that Act 99 of 2021 expired, by this act. Act 99 of 2021's provisions apply to all civil and administrative causes

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of action that arise between March 13, 2020, and December 31, 2023, and are based upon facts that occurred during this time period.

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, 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 12. This act takes effect upon approval by the Governor. All provisions of this act are repealed on December 31, 2023 unless reauthorized by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and the provisions of Rule 26B were waived in order to allow amendments to be considered on third reading.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow at 12:30 P.M.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Joanna Godwin Hall of Florence, S.C. Joanna had a passion for children. She served the Florence community as a nurse for 36 years, the last 20 years at McLeod Regional Medical Center NICU. Joanna was a longtime member of Ebenezer Baptist Church where she served in the children's ministry and nursery. Joanna was a loving wife, devoted mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 5:21 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:30 P.M.

* * *

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