

NO. 39

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, MARCH 17, 2021

Wednesday, March 17, 2021
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Job 12:7-8

In the Old Testament book of Job we find these verses:

“ . . .ask the animals and they will teach you, or the birds of the air, and they will tell you; or speak to the earth, and it will teach you, or let the fish of the sea inform you.”

Please join me as we bow and pray: All around us, O Lord, the incredible wonders of our State unfold, from the mountains and the Piedmont, through the Sandhills to the coast: everywhere we turn a new vista, a special setting touches our hearts. Yet sadly, Lord, so many us simply take for granted Your wonderful gifts of nature, and we fail to act in ways that can preserve and even enrich the very sights right in front of us. Rather, dear God, by Your grace, lead Your servants in this Senate to listen even to the birds and the fish and the forest animals as they clearly remind all of us to be caring and wise stewards of everything that you have created. And may we thereby honor You all the more, dear God, by the care we give to Your world. In Your blessed name we pray, O Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

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

Statewide Appointment

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2021, and to expire March 15, 2027

3rd Congressional District:

Frank Daniel Wideman, 126 Stratford Road, Greenwood, SC 29649-9110 *VICE* Re. Dan Lindsay Batson

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Referred to the Committee on Corrections and Penology.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 5033

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-1-140(3) and 44-1-150

SUBJECT: Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products

Received by Lieutenant Governor March 17, 2021

Referred to Committee on Agriculture and Natural Resources

Doctor of the Day

Senator SHEALY introduced Dr. Helmut Albrecht of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 2:01 P.M., Senator RICE requested a leave of absence for Senator CASH for the day.

Leave of Absence

At 3:45 P.M., Senator SABB requested a leave of absence for Senator K. JOHNSON for the balance of the day.

Leave of Absence

At 3:45 P.M., Senator McELVEEN requested a leave of absence for Senator JACKSON for the balance of the day.

Leave of Absence

At 4:15 P.M., Senator HUTTO requested a leave of absence for Senator MATTHEWS for the balance of the day.

Expression of Personal Interest

Senator CAMPSER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

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CO-SPONSORS ADDED

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

- S. 401 Sen. Fanning
- S. 556 Sen. Campsen
- S. 604 Sen. Gambrell
- S. 675 Sens. Peeler and Gambrell
- S. 677 Sens. Goldfinch, Jackson, Shealy and Grooms
- S. 681 Sen. Loftis

RECALLED AND ADOPTED

H. 4058 -- Reps. M.M. Smith, Bennett and Bustos: A CONCURRENT RESOLUTION TO DECLARE THURSDAY, MARCH 25, 2021, AS MEDAL OF HONOR DAY IN SOUTH CAROLINA AND TO EXPRESS HEARTFELT GRATITUDE FOR THE SERVICE AND SACRIFICES OF THE RECIPIENTS OF THE MEDAL OF HONOR.

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

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

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

There was no objection.

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

On motion of Senator SHEALY, the Resolution was adopted and ordered sent to the House.

RECALLED

H. 3925 -- Reps. Allison, Trantham, Felder, Simrill, Ligon, Collins, Calhoon, Huggins, McCabe and Pope: A JOINT RESOLUTION TO WAIVE CERTAIN PROVISIONS OF SECTION 59-63-100 OF THE 1976 CODE RELATING TO LIMITATIONS ON HOMESCHOOL STUDENT ELIGIBILITY TO PARTICIPATE IN PUBLIC SCHOOL INTERSCHOLASTIC ACTIVITIES FOR THE 2021-2022 AND 2022-2023 SCHOOL YEARS.

Senator HEMBREE asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

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

RECALLED

S. 569 -- Senator Adams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 52 RIVERS AVENUE FROM ITS INTERSECTION WITH MALL DRIVE TO ITS INTERSECTION WITH MCMILLAN AVENUE IN CHARLESTON COUNTY "ROBERT ANTHONY 'TONY' WAY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 678 -- Senator Hutto: A BILL TO AMEND SECTION 56-1-2080, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR A COMMERCIAL DRIVER'S LICENSE, SO AS TO ESTABLISH THE INTRASTATE VISION WAIVER PROGRAM, TO PROVIDE CERTAIN VISUALLY IMPAIRED INDIVIDUALS MAY OBTAIN A WAIVER FROM THE SIGHT REQUIREMENTS ASSOCIATED WITH A COMMERCIAL DRIVER'S LICENSE, AND TO PROVIDE FOR THE ELIGIBILITY REQUIREMENTS FOR THE WAIVER, THE CIRCUMSTANCES UNDER WHICH A WAIVER MAY BE GRANTED, AND THE PROCEDURES FOR OBTAINING A WAIVER.

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

S. 679 -- Senators Climer and Harpootlian: A BILL TO AMEND SECTION 13-1-1710 OF THE 1976 CODE, RELATING TO THE CREATION AND MEMBERSHIP OF THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, TO PROVIDE FOR THE APPOINTMENT OF FOUR LEGISLATIVE MEMBERS; AND

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TO AMEND SECTION 13-1-1720 OF THE 1976 CODE, RELATING TO THE PURPOSE AND DUTIES OF THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, TO PROHIBIT THE COORDINATING COUNCIL FROM GRANTING EXTENSIONS, MODIFICATIONS, OR WAIVERS AND FROM OTHERWISE FORGIVING CONDITIONS UNDER WHICH COMPANIES WERE AWARDED INCENTIVES OR CREDITS; TO REQUIRE THE COORDINATING COUNCIL TO MAKE RECOMMENDATIONS TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY, AND TO VEST THE STATE FISCAL ACCOUNTABILITY AUTHORITY WITH THE RESPONSIBILITY FOR MAKING FINAL DETERMINATIONS FOR INCENTIVE OR CREDIT EXTENSIONS, MODIFICATIONS, OR WAIVERS OR FOR OTHERWISE FORGIVING CONDITIONS FOR RECEIVING A CREDIT OR INCENTIVE.

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

S. 680 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DENTAL ACCESS CAROLINA, LLC, OF YORK COUNTY AND TO CONGRATULATE DR. JOHN E. REESE III AND HIS ASSOCIATES FOR TWO DECADES OF SUCCESSFULLY MEETING THE DENTAL NEEDS OF UNDERSERVED CHILDREN IN ROCK HILL AND THROUGHOUT SOUTH CAROLINA.

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

S. 681 -- Senators Setzler, Rice, Senn, Corbin, Scott and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 59 TO TITLE 11 SO AS TO PROVIDE FISCAL ACCOUNTABILITY OF QUASI-STATE AGENCIES BY THE SENATE FINANCE COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, TO REQUIRE SUCH AGENCIES TO PROVIDE CERTAIN FINANCIAL INFORMATION, OPERATING PLANS, BONDING INFORMATION, AND CERTAIN INFORMATION RELATING TO REAL ESTATE TRANSACTIONS.

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Senator SETZLER spoke on the Bill.

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

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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 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.

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

H. 3281 -- Reps. King and Robinson: A BILL TO AMEND SECTION 17-5-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS FOR CREMATION WHICH MUST BE ISSUED BY CORONERS, SO AS TO PROVIDE THAT NO FEE FOR A PERMIT FOR CREMATION MAY BE CHARGED; AND TO AMEND SECTION 44-63-40, RELATING TO COUNTY REGISTRARS AND THE ISSUANCE OF BURIAL-REMOVAL-TRANSIT PERMITS, SO AS TO PROHIBIT A CORONER OR MEDICAL EXAMINER FROM CHARGING A FEE FOR SUCH PERMIT.

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

H. 3291 -- Reps. Pope, Burns, Chumley, Bryant, V. S. Moss, Haddon, Forrest and Ligon: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

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

H. 3541 -- Reps. Hixon, Burns and Forrest: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-35-55 SO AS TO PROVIDE THAT THE REGULATION OF FIRES BY THE STATE FORESTER DOES NOT APPLY TO

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FIRES USED FOR THE PREPARATION OF FOOD OR FIRES USED IN APPROPRIATE ENCLOSURES; AND TO AMEND SECTION 48-23-96, RELATING TO THE APPOINTMENT OF LAW ENFORCEMENT OFFICERS TO CARRY OUT THE ENFORCEMENT RESPONSIBILITIES OF THE COMMISSION, SO AS TO ALLOW FOR THE ISSUANCE OF WARNING TICKETS.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3694 -- Reps. Atkinson, Hardee, Hewitt, Fry, Brittain, Hayes, McGinnis, R. Williams, V. S. Moss, Lowe, Bryant, Forrest and Anderson: A BILL TO AMEND SECTION 50-11-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEAR HUNTING, SO AS TO ALLOW FOR THE USE OF BAIT WHEN HUNTING BEAR IN GAME ZONE 4 DURING A CERTAIN TIME PERIOD.

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

H. 3865 -- Reps. Wetmore, Hewitt, Cogswell, Bustos, Anderson, Stavrinakis, Bennett, Erickson and Bradley: A BILL TO AMEND SECTION 50-21-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT LAWS AND ORDINANCES, SO AS TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE RELATING TO WATERCRAFT OR WATER DEVICES USED OR HELD FOR USE ON THE WATERS OF THIS STATE AND TO PROVIDE EXCEPTIONS.

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

H. 3884 -- Rep. Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-23-125 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO TRANSMIT CERTAIN DOCUMENTS ELECTRONICALLY FOR A CERTIFICATE OF TITLE, TO ALLOW FOR THE COLLECTION OF AN ELECTRONIC TRANSMISSION FEE, AND TO REQUIRE THE USE OF AN ELECTRONIC LIEN SYSTEM FOR BUSINESSES AND LENDERS ENGAGED IN THE SALE OF WATERCRAFT AND OUTBOARD MOTORS OR THE FINANCING OF WATERCRAFT OR OUTBOARD MOTORS; AND TO AMEND SECTION 50-23-140, RELATING TO THE PRIORITY

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AND VALIDITY OF LIENS UPON A CERTIFICATE OF TITLE FOR A WATERCRAFT OR OUTBOARD MOTOR, SO AS TO ALLOW FOR THE RETENTION OR DISCHARGE OF A LIEN ELECTRONICALLY.

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

H. 3921 -- Rep. Stavrinakis: A BILL TO AMEND SECTION 58-23-1610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO THE TRANSPORTATION NETWORK COMPANY ACT, SO AS TO REVISE THE DEFINITIONS OF "PERSONAL VEHICLE" AND "PREARRANGED RIDE".

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

H. 3957 -- Reps. Hewitt, Kirby, Bailey and G. M. Smith: A BILL TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH AND SIZE LIMITS FOR THE TAKING, POSSESSING, LANDING, SELLING, OR PURCHASING OF CERTAIN FISH FROM THE STATE'S WATERS, SO AS TO DECREASE THE CATCH LIMIT AND INCREASE THE SIZE LIMIT FOR FLOUNDER.

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

H. 4027 -- Rep. Burns: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO AMEND REWA'S SERVICE AREA AND TO REVISE THE MEMBERSHIP OF THE GOVERNING COMMISSION.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 4035 -- Reps. Hiott, Bailey and Hewitt: A BILL TO AMEND ACT 129 OF 2014, RELATING TO THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT, SO AS TO EXTEND THE PROVISIONS OF CHAPTER 60, TITLE 48 UNTIL DECEMBER 31,

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2023, AND TO PROVIDE THAT THE PROVISIONS OF REGULATION 61-124 SHALL EXPIRE ON DECEMBER 31, 2023.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 154 -- Senator Martin: A BILL TO AMEND CHAPTER 54, TITLE 12 OF THE 1976 CODE, RELATING TO THE UNIFORM METHOD OF COLLECTION AND ENFORCEMENT OF TAXES LEVIED AND ASSESSED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE, BY ADDING SECTION 12-54-20, TO PROVIDE THAT A TAXPAYER THAT PREVAILS IN AN ACTION OR PROCEEDING TO RECOVER A TAX OR PENALTY IS ENTITLED TO REASONABLE ATTORNEYS' FEES AND COSTS ASSOCIATED WITH DEFENDING THE ACTION OR PROCEEDING.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 195 -- Senator Hembree: A BILL TO AMEND SECTION 12-37-2650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF TAX NOTICES AND PAID RECEIPTS AND THE DELEGATION OF COLLECTION OF TAXES, SO AS TO PROVIDE THAT THE TAX NOTICE MUST SET FORTH THE FAIR MARKET VALUE USED FOR THE VEHICLE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 401 -- Senators Gustafson, Hembree and Fanning: A BILL TO AMEND SECTION 6-1-320 OF THE 1976 CODE, RELATING TO THE LIMITATION ON MILLAGE INCREASES, TO ALLOW THE GOVERNING BODY OF A COUNTY TO SUSPEND THE LIMITATION FOR THE PURPOSE OF SUPPORTING A FIRE PROTECTION DISTRICT.

Ordered for consideration tomorrow.

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Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 461 -- Senator Alexander: A BILL TO ENACT THE "SOUTH CAROLINA PAY FOR SUCCESS PERFORMANCE ACCOUNTABILITY ACT"; TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 60, TO ESTABLISH THE TRUST FUND FOR PERFORMANCE ACCOUNTABILITY TO FUND PAY-FOR-SUCCESS CONTRACTS, WHEREBY THE STATE CONTRACTS WITH A PRIVATE-SECTOR ORGANIZATION TO ACHIEVE SPECIFICALLY DEFINED MEASUREABLE OUTCOMES IN WHICH THE STATE PAYS ONLY TO THE EXTENT THAT THE DESIRED OUTCOMES ARE ACHIEVED.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 463 -- Senators Alexander, Cromer, Grooms, Scott and Loftis: A BILL TO DELETE SECTION 2.B. OF ACT 134 OF 2016, RELATING TO THE EXPIRATION OF TAX CREDITS FOR THE PURCHASE OF GEOTHERMAL MACHINERY AND EQUIPMENT.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 527 -- Senator Alexander: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO DEFINE "LEGALLY SEPARATED" FOR PURPOSES OF THE CERTIFICATE CONTAINED IN THE APPLICATION FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY AND TO REQUIRE ANNUAL REAPPLICATION AND RECERTIFICATION TO MAINTAIN THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR CERTAIN SEPARATED SPOUSES.

Ordered for consideration tomorrow.

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

S. 556 -- Senators Goldfinch and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-107 SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF THE PROVISIONS OF CHAPTER 11, TITLE 50; TO AMEND SECTION 50-9-450, RELATING TO COMMERCIAL FUR LICENSES, SO AS TO REMOVE THE LICENSE REQUIREMENT FOR PERSONS WHO TRAP FUR-BEARING ANIMALS; TO AMEND SECTION 50-11-2200, RELATING TO UNLAWFUL CONDUCT ON WILDLIFE MANAGEMENT AREAS, SO AS TO REMOVE THE PROHIBITION ON TRAPPING; TO AMEND SECTION 50-11-2400, RELATING TO DEFINITIONS, SO AS TO LIMIT THE DEFINITION OF THE TERM "COMMERCIAL PURPOSES" TO FUR-BEARING ANIMALS; TO AMEND SECTION 50-11-2430, RELATING TO THE PROOF OF OWNERSHIP OR PERMISSION TO SET TRAPS ON LAND, SO AS TO LIMIT THE USE OF TRAPS ON PRIVATE LAND TO THE OWNER OR HIS AGENT; TO AMEND SECTION 50-11-2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE, SO AS TO REMOVE REFERENCES TO A DESIGNEE AND INSERT THE TERM "AGENT"; TO AMEND SECTION 50-11-2450, RELATING TO REPORTING REQUIREMENTS FOR COMMERCIAL FUR LICENSEES, SO AS TO REMOVE A REFERENCE TO A REPEALED CODE SECTION; TO AMEND SECTION 50-11-2460, RELATING TO TRAPS ALLOWED FOR TRAPPING, SO AS TO REQUIRE ONLY CERTAIN INFORMATION TO BE ON TRAPS ON PUBLIC LAND; TO AMEND SECTION 50-11-2515, RELATING TO PROHIBITED ACTS, SO AS TO ESTABLISH A PENALTY FOR CERTAIN ACTS; TO AMEND SECTION 50-11-2540, RELATING TO TRAPPING SEASON, SO AS TO ESTABLISH TRAPPING SEASONS ON PUBLIC AND PRIVATE LAND AND TO REMOVE CERTAIN PROHIBITIONS ON TRAPPING COYOTES; TO AMEND SECTION 50-11-2565, RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12, SO AS TO REMOVE A REFERENCE; TO AMEND SECTION 50-11-2570, RELATING TO SPECIAL PERMITS TO CAPTURE DESTRUCTIVE WILDLIFE, SO AS TO ALLOW A PROPERTY OWNER OR HIS AGENT TO TAKE FUR-BEARING ANIMALS OR SQUIRRELS FOR AGRICULTURAL OR WILDLIFE MANAGEMENT PURPOSES WITHOUT A LICENSE OR PERMIT AND TO REMOVE THE PROHIBITION ON

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THE COMMERCIAL DISPOSAL OF A FUR-BEARING ANIMAL TAKEN IN ACCORDANCE WITH A DEPREDATION PERMIT; AND TO REPEAL SECTION 50-11-2560 RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 627 -- Senators Bennett, Adams, Kimbrell, M. Johnson, Davis, Turner, Campsen, Hembree, Alexander, Williams, Cromer, McElveen, Loftis, Climer, Talley, Rice, Garrett, Rankin and Leatherman: A BILL TO AMEND SECTION 12-6-545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS-THROUGH TRADE AND BUSINESS INCOME, SO AS TO CREATE AN ELECTION TO TAX PARTNERSHIPS AND "S" CORPORATIONS AT THE ENTITY LEVEL; AND TO AMEND SECTION 12-6-3400, RELATING TO CREDIT FOR INCOME TAX PAID BY SOUTH CAROLINA RESIDENTS TO ANOTHER STATE, SO AS TO PROVIDE THAT AN ELECTING PASS-THROUGH BUSINESS ENTITY IS ELIGIBLE FOR THE CREDIT.

Ordered for consideration tomorrow.

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

H. 3059 -- Reps. Hixon, Forrest and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ARTICLE 3 OF CHAPTER 17, TITLE 51 RELATING TO THE HERITAGE TRUST REVENUE BONDS.

Ordered for consideration tomorrow.

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

H. 3549 -- Reps. Ott, Kirby, Bryant and Pope: A BILL TO AMEND SECTION 50-9-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OFFER A LICENSE, PERMIT, OR TAG MADE OF A DURABLE MATERIAL AND TO ESTABLISH A FEE; AND TO AMEND SECTION 50-9-50, RELATING TO THE POSSESSION OF A HUNTING OR FISHING LICENSE, PERMIT, OR STAMP, SO AS TO

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ALLOW FOR A PERSON HUNTING OR FISHING TO DISPLAY THEIR LICENSE, PERMIT, OR STAMP ELECTRONICALLY.

Ordered for consideration tomorrow.

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

H. 3684 -- Reps. Herbkersman, Erickson, Bradley and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1713 SO AS TO PROVIDE LIMITS FOR COBIA CAUGHT IN THE WATERS OF THIS STATE AND PROHIBIT THE TAKING OR POSSESSION OF COBIA WHEN FEDERAL REGULATIONS PROVIDE FOR THE CLOSURE OF A RECREATIONAL OR COMMERCIAL COBIA FISHERY IN THE WATERS OF THE SOUTH ATLANTIC OCEAN; AND TO AMEND SECTION 50-5-2730, AS AMENDED, RELATING TO THE APPLICATION OF FEDERAL FISHING REGULATIONS IN THE WATERS OF THIS STATE, SO AS TO REMOVE THE EXCEPTION FOR COBIA.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3770 -- Reps. G.M. Smith, Stavrinakis, Wetmore, Weeks, Hewitt, Wheeler, Erickson, Bradley, W. Newton and Dillard: A JOINT RESOLUTION TO AUTHORIZE THE USE OF FEDERAL FUNDS FROM THE EMERGENCY RENTAL ASSISTANCE PROGRAM, AND TO PROVIDE THE MANNER IN WHICH THE FUNDS MUST BE DISTRIBUTED.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., March 17, 2021

Mr. President and Senators:

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

H. 3900 -- Reps. G.M. Smith, Herbkersman, Howard and Weeks: A JOINT RESOLUTION TO AUTHORIZE CERTAIN PODIATRISTS TO ADMINISTER PREMEASURED DOSES OF THE COVID-19 VACCINE.

and has ordered the Joint Resolution enrolled for Ratification.

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Very respectfully,
Speaker of the House
Received as information.

Message from the House

Columbia, S.C., March 17, 2021

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3589 -- Reps. Allison, Lucas, M.M. Smith, Calhoon, Felder and Huggins: A BILL TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

Very respectfully,
Speaker of the House
Received as information.

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

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

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

S. 229 -- Senators Shealy, McLeod, Hutto, Jackson, McElveen and Matthews: A BILL TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT"; TO AMEND CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO CHILDREN'S SERVICES AGENCIES, BY ADDING ARTICLE 24, TO REQUIRE THAT MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER

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PURPOSES; AND TO AMEND SECTION 63-11-310(B)(1), (C), AND (D) OF THE 1976 CODE, RELATING TO CHILDREN'S ADVOCACY CENTERS, TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

S. 241 -- Senator Young: A BILL TO AMEND SECTION 59-112-50(C) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "COVERED INDIVIDUAL" FOR THE PURPOSES OF TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, TO ELIMINATE THE REQUIREMENT THAT A VETERAN OR DEPENDENT ENROLL IN A PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THREE YEAR'S OF THE VETERAN'S DISCHARGE IN ORDER TO RECEIVE EDUCATIONAL ASSISTANCE.

S. 472 -- Senators Rankin and Hutto: A BILL TO ENACT THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; TO AMEND TITLE 61 OF THE 1976 CODE, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; TO AMEND

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SECTION 61-2-60 OF THE 1976 CODE, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND TO AMEND SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080 OF THE 1976 CODE, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

S. 607 -- Senators Hembree and Hutto: A BILL TO AMEND SECTION 59-40-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF CHARTER SCHOOL DISTRICT BOARD MEMBERS FOR CAUSE OR DUE TO INCAPACITY, SO AS TO REVISE THE BASES FOR REMOVAL, TO PROVIDE RESULTING MEMBERSHIP VACANCIES MUST BE FILLED PURSUANT TO CERTAIN BYLAWS OF THE CHARTER SCHOOL, AND TO REMOVE THE SOUTH CAROLINA CHARTER SCHOOL DISTRICT FROM THESE PROVISIONS.

OBJECTION

S. 227 -- Senators Shealy, McElveen and Matthews: A BILL TO ENACT THE "MESSAGE THERAPY PRACTICE ACT"; TO AMEND CHAPTER 30, TITLE 40 OF THE 1976 CODE, RELATING TO MESSAGE THERAPY PRACTICE, TO PROVIDE THAT IT IS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE TO REGULATE THE PRACTICE OF MESSAGE THERAPY. (Abbreviated Title)

Senator MARTIN objected to consideration of the Bill.

CARRIED OVER

H. 3585 -- Reps. Sandifer and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-80 SO AS TO PROVIDE THE PROCEDURE FOR AN INSURER TO CANCEL, NONRENEW, OR TERMINATE ALL OR SUBSTANTIALLY ALL OF AN ENTIRE LINE OR CLASS OF BUSINESS; BY ADDING SECTION 38-77-400 SO AS TO REQUIRE AN INSURER TO PROVIDE A LISTING OF UNDERWRITING RESTRICTIONS UPON THE REQUEST OF THE DIRECTOR; TO

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AMEND SECTION 38-13-30, RELATING TO ORDERS RESULTING FROM EXAMINATIONS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO SERVE AN ORDER UPON THE INSURER BY ELECTRONIC MAIL; TO AMEND SECTION 38-53-110, RELATING TO FINANCIAL STATEMENT REQUIREMENTS, SO AS TO PROVIDE A DEADLINE FOR SUBMISSION; TO AMEND SECTION 38-71-340, RELATING TO REQUIRED POLICY PROVISIONS, SO AS TO ADD A TIME OF PAYMENT OF CLAIMS REQUIREMENT FOR HEALTH INSURANCE COVERAGE; TO AMEND SECTION 38-75-730, AS AMENDED, RELATING TO RESTRICTIONS ON THE CANCELLATION OF POLICIES, SO AS TO DISTINGUISH THE CANCELLATION PROVISIONS FOR WORKERS' COMPENSATION INSURANCE POLICIES; TO AMEND SECTION 38-75-740, RELATING TO RESTRICTIONS ON THE NONRENEWAL OF POLICIES, SO AS TO REMOVE SPECIFIC DEADLINES; TO AMEND SECTION 38-75-1160, RELATING TO THE NOTICE REQUIREMENT PRIOR TO CANCELLATION OR REFUSAL TO RENEW, SO AS TO REMOVE SPECIFIC DEADLINES; AND TO AMEND SECTION 38-75-1240, RELATING TO THE PROVISIONS TO THE DIRECTOR OF UNDERWRITING RESTRICTIONS BASED UPON GEOGRAPHY, SO AS TO REQUIRE AN INSURER TO PROVIDE A LIST OF UNDERWRITING RESTRICTIONS ONLY UPON THE REQUEST OF THE DIRECTOR REGARDLESS OF GEOGRAPHY.

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

CARRIED OVER

H. 3587 -- Reps. Sandifer and Hardee: A BILL TO AMEND SECTION 38-77-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "REDUCTION IN COVERAGE", SO AS TO PROHIBIT AN INSURER FROM TREATING A CORRECTION OF A TYPOGRAPHICAL OR SCRIVENER'S ERROR AS A REDUCTION IN COVERAGE AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO REVIEW A POLICY, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

Senator MALLOY spoke on the Bill.

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

CARRIED OVER

S. 28 -- Senators Hutto, K. Johnson, Climer, McLeod and Stephens:
A BILL TO AMEND SECTION 56-1-286 OF THE 1976 CODE, RELATING TO THE SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES AND HAVE A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO IS SERVING A SUSPENSION OR DENIAL OF A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-385(A) OF THE 1976 CODE, RELATING TO THE REINSTATEMENT OF A PERMANENTLY REVOKED DRIVER'S LICENSE, TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING PRIOR TO OCTOBER 1, 2014; TO AMEND SECTION 56-1-400 OF THE 1976 CODE, RELATING TO THE SURRENDER OF A LICENSE AND ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICE ON A LICENSE, TO REMOVE THE REQUIREMENT THAT A PERSON SEEKING TO HAVE A LICENSE ISSUED MUST FIRST PROVIDE PROOF THAT ANY FINE OWED HAS BEEN PAID, AND TO INCLUDE A REFERENCE TO THE HABITUAL OFFENDER STATUTE; TO AMEND SECTION 56-1-1090(A) OF THE 1976 CODE, RELATING TO REQUESTS FOR RESTORATION OF THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, TO ALLOW A PERSON CLASSIFIED AS A HABITUAL OFFENDER TO OBTAIN A DRIVER'S LICENSE WITH AN INTERLOCK RESTRICTION IF HE PARTICIPATES IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-1320(A) OF THE 1976 CODE, RELATING TO PROVISIONAL DRIVERS' LICENSES, TO ELIMINATE PROVISIONAL LICENSES FOR FIRST OFFENSE DRIVING UNDER THE INFLUENCE UNLESS THE OFFENSE OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION 56-1-1340 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, TO CONFORM INTERNAL STATUTORY REFERENCES; TO AMEND SECTION 56-5-2941 OF THE 1976 CODE, RELATING TO IGNITION INTERLOCK DEVICES, TO INCLUDE A REFERENCE TO THE HABITUAL OFFENDER

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STATUTE, REMOVE EXCEPTIONS TO IGNITION INTERLOCK DEVICES FOR OFFENDERS WHO ARE NONRESIDENTS AND FIRST-TIME OFFENDERS OF DRIVING UNDER THE INFLUENCE WHO DID NOT REFUSE TO SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL CONCENTRATION OF FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE, REQUIRE DEVICE MANUFACTURERS PAY CERTIFICATION FEES ASSOCIATED WITH IGNITION INTERLOCK DEVICES, PERMIT THOSE DRIVERS WITH PERMANENTLY REVOKED LICENSES AFTER OCTOBER 2014 TO SEEK RELIEF AFTER FIVE YEARS, AND MAKE THE RECORDS OF THE IGNITION INTERLOCK DEVICES THE RECORDS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES; TO AMEND SECTION 56-5-2951 OF THE 1976 CODE, RELATING TO TEMPORARY ALCOHOL LICENSES, TO REQUIRE AN IGNITION INTERLOCK DEVICE RESTRICTION ON A TEMPORARY ALCOHOL LICENSE AND TO DELETE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES; AND TO AMEND SECTION 56-5-2990 OF THE 1976 CODE, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE AND THE PERIOD OF SUSPENSION, TO REQUIRE AN IGNITION INTERLOCK DEVICE IF A FIRST-TIME OFFENDER OF DRIVING UNDER THE INFLUENCE SEEKS TO END A SUSPENSION.

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

CARRIED OVER

S. 243 -- Senator Young: A BILL TO AMEND SECTION 63-7-940(A) OF THE 1976 CODE, RELATING TO AUTHORIZED USES OF UNFOUNDED CHILD ABUSE AND NEGLECT REPORTS, TO AUTHORIZE THE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES; TO AMEND SECTION 63-7-1990(H) OF THE 1976 CODE, RELATING TO THE CONFIDENTIALITY AND RELEASE OF CHILD ABUSE AND NEGLECT RECORDS, TO AUTHORIZE THE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

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

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 456 -- Senator Alexander: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO PROVIDE THAT AN AGENCY AUTHORIZED TO REQUEST A STATE FINGERPRINT BACKGROUND CHECK MAY REQUEST A FEDERAL FINGERPRINT BACKGROUND CHECK, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, UPON REQUEST, MAY SUBMIT THE FINGERPRINTS COLLECTED BY AGENCIES AND INFORMATION RELATED TO THOSE PRINTS TO THE FEDERAL BUREAU OF INVESTIGATION'S NEXT GENERATION IDENTIFICATION PROGRAM, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION MAY RETAIN COLLECTED FINGERPRINTS AND SEARCH ANY RETAINED FINGERPRINTS AT A LATER DATE PURSUANT TO AN APPROPRIATE INQUIRY, AND TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION MAY CHARGE A REASONABLE FEE FOR THE COLLECTION AND RETENTION OF FINGERPRINTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0456.003), which was adopted:

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

/ SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-90. (A) Notwithstanding any other provision of law, if an agency in this State is authorized by statute to obtain a fingerprint-based background check on an individual applicant for employment or licensure, the applicant shall undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the agency and must not be further disseminated. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the agency regarding criminal charges.

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(B)(1) SLED, upon request by the agency, may submit the fingerprints collected by agencies authorized to request state and national fingerprint-based background checks conducted by SLED and the Federal Bureau of Investigation to the Federal Bureau of Investigation's Next Generation Identification (NGI) program.

(2) SLED and the Federal Bureau of Investigation may retain collected fingerprints. Retained fingerprints may be searched by future submissions to SLED and the NGI system, including latent fingerprint searches, and appropriate responses sent to SLED and authorized recipients.

(C) SLED may charge a reasonable fee for the collection and retention of fingerprints.”

SECTION 2. Chapter 2, Title 12 of the 1976 Code is amended by adding:

“Section 12-2-140. (A) Each state agency and each political subdivision of the State, is authorized, as necessary to comply with Internal Revenue Service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain a state criminal records check, supported by fingerprints, conducted by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, conducted by the Federal Bureau of Investigation on all employees and contractors with access to federal tax information. The results of these criminal records checks must be reported to the requesting state agency or political subdivision.

(B) An employee or contractor of a state agency or a political subdivision of the State with access to or that uses federal tax information must:

(1) agree to a national background check and the release of all investigative records to the applicable state agency or political subdivision for the purpose of verifying criminal history information for non-criminal justice purposes; and

(2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the South Carolina Law Enforcement Division and a national criminal history background check to be conducted by the Federal Bureau of Investigation.

(C) Except as otherwise provided in this section, the state agency or political subdivision shall pay any costs incurred to conduct background checks and investigations requested by the state agency or political subdivision. The state agency or political subdivision may require a person or entity contracting with the agency or political subdivision to

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pay the costs associated with the background investigations for all employees of the contractor. The requirement may be a condition of the contract with the state agency or political subdivision.

(D) Each state agency or political subdivision required to conduct background checks and investigations pursuant to this section shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this section.

(E) For purposes of this section, ‘state agency’ includes state departments and state institutions.”

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

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 45; Nays 0

AYES

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

Total--45

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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. 631 -- Senator Talley: A BILL TO ENACT THE “SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT”; TO AMEND TITLE 26 OF THE 1976 CODE, RELATING TO NOTARIES PUBLIC AND ACKNOWLEDGEMENTS, BY ADDING CHAPTER 2, TO PROVIDE FOR PROCEDURES AND TRAINING REQUIREMENTS, TO PROVIDE FOR ACTS THAT MAY BE PERFORMED, RESTRICTIONS ON THOSE ACTS, AND REQUIREMENTS TO COMPLETE THOSE ACTS, TO ESTABLISH MAXIMUM FEES, TO ESTABLISH PROCEDURES FOR ELECTRONIC NOTARIES PUBLIC, TO PROVIDE THAT THE SECRETARY OF STATE MAY PROMULGATE REGULATIONS, TO PROVIDE FOR THE TERMINATION OF ELECTRONIC NOTARIES PUBLIC, TO PROVIDE A PENALTY, TO PROVIDE REQUIREMENTS TO CERTIFY AUTHENTICITY, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (631R001.KMM.KS), which was adopted:

Amend the bill, as and if amended, on page 11, by striking lines 4 through 8 and inserting:

/ (2) If the Secretary of State terminates an electronic notary public’s registration, then the Secretary of State shall send written notice by certified mail to the electronic notary public at his last known address. A person who has had his electronic notary public registration terminated has thirty days from the receipt of the notice to appeal the termination by filing a request for a contested case hearing with the South Carolina Administrative Law Court. /

Amend the bill further, as and if amended, on page 12, line 29, by adding:

/SECTION _. Section 26-1-160 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

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“() The Secretary of State may terminate a notary public’s commission upon notification that the notary public has been charged with an offense listed in this section or may terminate the notary public’s commission at any subsequent point until the final adjudication of the charges. If the Secretary of State terminates a notary public’s commission, then the Secretary of State shall send written notice by certified mail to the notary public at his last known address. A person who has had his notary public commission terminated has thirty days from the receipt of the notice to appeal the termination by filing a request for a contested case hearing with the South Carolina Administrative Law Court.”

SECTION __. This act does not apply to wills and trusts in South Carolina. /

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 45; Nays 0

AYES

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

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Total--45

NAYS

Total--0

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

OBJECTION

S. 202 -- Senator Hembree: 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.

Senator HUTTO objected to consideration of the Bill.

OBJECTION

S. 615 -- Senators Young and Campsen: A BILL TO AMEND SECTION 59-63-100 OF THE 1976 CODE, RELATING TO NONPUBLIC SCHOOL STUDENT PARTICIPATION IN THE INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOLS, TO PROVIDE LIMITED SITUATIONS IN WHICH HIGH SCHOOL STUDENTS WHO ATTEND PRIVATE SCHOOLS MAY PARTICIPATE IN HIGH SCHOOL LEAGUE SPORTS OFFERED AT PUBLIC HIGH SCHOOLS; AND TO DEFINE NECESSARY TERMS.

Senator FANNING objected to consideration of the Bill.

CARRIED OVER

S. 661 -- 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 5004, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

CARRIED OVER

S. 662 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO PALMETTO FELLOWS

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SCHOLARSHIP PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 5005, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

CARRIED OVER

S. 663 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA HOPE SCHOLARSHIP, DESIGNATED AS REGULATION DOCUMENT NUMBER 5006, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

POINT OF ORDER

H. 3071 -- Reps. Ott, Ligon, Taylor, Bryant, Cobb-Hunter, Haddon, Forrest and Thayer: A JOINT RESOLUTION TO CREATE THE "EQUINE INDUSTRY SUPPORT MEASURES STUDY COMMITTEE" TO EXAMINE THE POTENTIAL FOR FURTHER GROWTH OF THE EQUINE INDUSTRY IN THIS STATE AND THE RESULTING ECONOMIC IMPACT.

Point of Order

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

The PRESIDENT sustained the Point of Order.

ADOPTED

H. 3739 -- Reps. J.L. Johnson, Brawley and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE POINT WHERE IT CROSSES THE WATEREE RIVER "LIEUTENANT ULYSSES FLEMMING MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

At 2:17 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

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

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

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (525R001.SP.MWG), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 44-96-40 of the 1976 Code is amended by adding appropriately numbered new items to read:

“() ‘Advanced recycling’ means manufacturing processes that convert post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment. For the purpose of advanced recycling:

(a) ‘Depolymerization’ means a manufacturing process at an advanced recycling facility where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw,

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intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.

(b) ‘Gasification’ means a manufacturing process at an advanced recycling facility through which recovered feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere and the mixture is converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

(c) ‘Pyrolysis’ means a manufacturing process at an advanced recycling facility through which post-use polymers or recovered feedstock are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

(d) ‘Solvolysis’ means a manufacturing process at an advanced recycling facility through which post-use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include, but are not limited to, monomers, intermediates, and valuable raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

() ‘Advanced recycling facility’ means a manufacturing facility that receives, separates, stores and converts the post-use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste-to-energy facility, or incinerator, but the facility is subject to department inspections to ensure compliance. Solid waste generated by an advanced recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste. Post-use polymers and recovered feedstock may not be mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility. At least seventy-five percent of the weight or volume of recovered feedstocks or post-use polymers received during the previous calendar year must be processed at an advanced recycling facility or

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transferred to a different site for processing in order for a facility to qualify as an advanced recycling facility. If an advanced recycling facility does not comply with the requirements of this definition, then it is not an advanced recycling facility and is subject to all applicable solid waste laws and regulations as determined by the department. Within sixty days of the termination of operations at an advanced recycling facility, all unused pre-converted and post-converted post-use polymers or recovered feedstock must be sold or disposed of by the advanced recycling facility in compliance with applicable laws.

() ‘Post-use polymer’ means a plastic polymer that is not solid waste when the following apply:

(a) it is derived from any industrial, commercial, agricultural, or domestic activities;

(b) its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling;

(c) it may contain incidental contaminants or impurities, such as paper labels or metal rings; and

(d) it is processed at an advanced recycling facility or held at an advanced recycling facility prior to processing.

() (a) ‘Recovered feedstock’ means one or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:

(i) post-use polymers;

(ii) materials for which the United States Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. 241.3(c); or

(iii) materials that the United States Environmental Protection Agency has otherwise determined are feedstocks and not solid waste; or

(b) Recovered feedstock does not include unprocessed municipal solid waste.” /

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

/SECTION __. Section 48-1-50 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“() Review and consider the environmental compliance history of an applicant or person in making a determination to issue, reissue, deny, revoke, modify, or suspend a permit or interim status; prohibit the transfer of a permit or the transfer or achievement of interim status; or prohibit a change in the ownership of or a controlling interest in an existing facility.” /

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Renumber sections to conform.

Amend title to conform.

Senator VERDIN spoke on the committee amendment.

Senator VERDIN moved to lay the amendment on the table.

The amendment was laid on the table.

Motion Adopted

Senator VERDIN asked unanimous consent to proceed to Amendment No. 4.

There was no objection.

Amendment No. 4

Senator VERDIN proposed the following amendment (525R007.SP.DBV), which was adopted:

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

/ /SECTION 1. Section 44-96-40 of the 1976 Code is amended by adding appropriately numbered new items to read:

“() ‘Advanced recycling’ means manufacturing processes that convert post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment. For the purpose of advanced recycling:

(a) ‘Depolymerization’ means a manufacturing process at an advanced recycling facility where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.

(b) ‘Gasification’ means a manufacturing process at an advanced recycling facility through which recovered feedstocks are heated and

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converted into a fuel-gas mixture in an oxygen-deficient atmosphere and the mixture is converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

(c) ‘Pyrolysis’ means a manufacturing process at an advanced recycling facility through which post-use polymers or recovered feedstock are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

(d) ‘Solvolyis’ means a manufacturing process at an advanced recycling facility through which post-use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include, but are not limited to, monomers, intermediates, and valuable raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

() ‘Advanced recycling facility’ means a manufacturing facility that receives, separates, stores, and converts the post-use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste-to-energy facility, or incinerator, but the facility is subject to department inspections to ensure compliance. Solid waste generated by an advanced recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste. Post-use polymers and recovered feedstock may not be mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility. At least seventy-five percent of the weight or volume of recovered feedstocks or post-use polymers received during the previous calendar year must be processed at an advanced recycling facility or transferred to a different site for processing in order for a facility to qualify as an advanced recycling facility. If an advanced recycling facility does not comply with the requirements of this definition, then it is not an advanced recycling facility and is subject to all applicable solid waste laws and regulations as determined by the department. Within

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sixty days of the termination of operations at an advanced recycling facility, all unused pre-converted and post-converted post-use polymers or recovered feedstock must be sold or disposed of by the advanced recycling facility in compliance with applicable laws.

() ‘Post-use polymer’ means a plastic polymer that is not solid waste when the following apply:

(a) it is derived from any industrial, commercial, agricultural, or domestic activities;

(b) its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling;

(c) it may contain incidental contaminants or impurities, such as paper labels or metal rings; and

(d) it is processed at an advanced recycling facility or held at an advanced recycling facility prior to processing.

() (a) ‘Recovered feedstock’ means one or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:

(i) post-use polymers;

(ii) materials for which the United States Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. 241.3(c); or

(iii) materials that the United States Environmental Protection Agency has otherwise determined are feedstocks and not solid waste; or

(b) Recovered feedstock does not include unprocessed municipal solid waste.”

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

Amend title to conform.

Senator VERDIN spoke on the amendment.

The amendment was adopted.

Amendment No. 5

Senators SENN and VERDIN proposed the following amendment (525R008.SP.SS), which was adopted:

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

/SECTION __. Section 48-1-50 of the 1976 Code is amended by adding an appropriately numbered new item to read:

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“() Review and consider the environmental compliance history of an applicant or person that is or operates an advanced recycling facility, as defined by Section 44-96-40, in making a determination to issue, reissue, deny, revoke, modify, or suspend a permit or interim status; prohibit the transfer of a permit or the transfer or achievement of interim status; or prohibit a change in the ownership of or a controlling interest in an existing advanced recycling facility.” /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN spoke on the amendment.

The amendment was adopted.

Amendment No. 6

Senator MARTIN proposed the following amendment (DG\525C001.NBD.DG21), which was carried over and subsequently tabled:

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

/ SECTION ____ . A. Section 44-96-250(13) of the 1976 Code is amended to read:

“(13) ‘Financial responsibility mechanism’ means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities and advanced recycling facilities. Available financial responsibility mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as determined by the department by regulation.”

B. Article 2, Chapter 96, Title 44 of the 1976 Code is amended by adding:

“Section 44-96-480. Notwithstanding any other provision of this title, advanced recycling facilities shall demonstrate financial responsibility before the issuance of any permit related to such a facility or before operation of the facility. The financial responsibility mechanism must be in the form of a cash trust fund in the control of the department or a surety bond for which the department is the sole beneficiary, sufficient in form and amount to meet all reasonably foreseeable costs of clean up, environmental remediation, fire-fighting, ground water or surface water contamination, private property contamination, public health impacts, displacement and relocation of

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affected persons, and any other reasonably foreseeable costs associated with the operation, management or abandonment of any pyrolysis and gasification facilities, including but not limited to the operation and storage of post-use polymer, plastic polymer, incidental contaminants or impurities. The costs of a surety bond being used to demonstrate financial responsibility may be borne by the South Carolina Department of Commerce's Closing Fund.”

SECTION ____ . The provisions of this act are repealed on December 31, 2026. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator DAVIS assumed the Chair.

Senator MARTIN continued speaking on the amendment.

PRESIDENT PRESIDES

At 2:44 P.M., the PRESIDENT assumed the Chair.

Senator MARTIN continued speaking on the amendment.

Motion Adopted

Senator K. JOHNSON asked unanimous consent to proceed to Amendment No. 7 with Senator MARTIN retaining the floor on Amendment No. 6.

There was no objection.

Amendment No. 7

Senators K. JOHNSON and McELVEEN proposed the following amendment (525R005.SP.KLJ), which was tabled:

Amend the bill, as and if amended, on page 3, line 27, by adding an appropriately numbered new SECTION to read:

/SECTION _ . Article 2, Chapter 96, Title 44 of the 1976 Code is amended by adding:

“Section 44-96-345. (A) The department shall not consider any permit application to renew, expand, or build an advanced recycling facility if the advanced recycling facility is located, or proposed to be located, in whole or in part, in any Tier IV or Tier III county or in a

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county in which at least forty percent of the households have limited English proficiency, unless the permit applicant first:

(1) prepares an assessment of the potential environmental and public health impacts associated with the proposed new or expanded advanced recycling facility, including any adverse environmental or public health impacts that cannot be avoided if the permit is granted, and the environmental or public health impacts already borne by the county as a result of existing conditions located in or affecting the county; and

(2) conducts a public hearing in the county in which the advanced recycling facility is or is proposed to be located;

(B) After a review of the assessment and any other relevant information, including testimony and written comments received at the public hearing, the department shall:

(1) deny a permit for a new advanced recycling facility upon a finding by the department that the approval of the permit would cause or contribute to adverse cumulative environmental or public health impacts in the county that are higher than those borne by other counties within the State; or

(2) apply conditions to a permit for the expansion of an existing advanced recycling facility, or the renewal of an existing advanced recycling facility's permit, concerning the construction and operation of the advanced recycling facility to protect public health, upon a finding by the department that the approval of a permit or permit renewal, as proposed, would, together with other environmental or public health impacts affecting the county, cause or contribute to adverse cumulative environmental or public health impacts in the overburdened county that are higher than those borne by other counties within the State.

(B) For all permits and authorizations related to advanced recycling facilities, the department shall be required to assess the cumulative impacts of that action and other related actions geographically and on the county in question.” /

Renumber sections to conform.

Amend title to conform.

Senator K. JOHNSON spoke on the amendment.

Senator VERDIN spoke on the amendment.

Senator VERDIN moved to lay the amendment on the table.

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

Ayes 32; Nays 11

AYES

Adams	Alexander	Bennett
Campsen	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Michael</i>	Kimbrell	Leatherman
Loftis	Malloy	Martin
Massey	Peeler	Rankin
Rice	Senn	Setzler
Shealy	Talley	Turner
Verdin	Young	

Total--32

NAYS

Allen	Fanning	Harpootlian
Kimpson	Matthews	McElveen
McLeod	Sabb	Scott
Stephens	Williams	

Total--11

The amendment was laid on the table.

Amendment No. 6

Senator MARTIN proposed the following amendment (DG\525C001.NBD.DG21), which was tabled:

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

/ SECTION ____ . A. Section 44-96-250(13) of the 1976 Code is amended to read:

“(13) ‘Financial responsibility mechanism’ means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities and advanced recycling facilities. Available financial responsibility mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of

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deposit, financial tests, and corporate guarantees as determined by the department by regulation.”

B. Article 2, Chapter 96, Title 44 of the 1976 Code is amended by adding:

“Section 44-96-480. Notwithstanding any other provision of this title, advanced recycling facilities shall demonstrate financial responsibility before the issuance of any permit related to such a facility or before operation of the facility. The financial responsibility mechanism must be in the form of a cash trust fund in the control of the department or a surety bond for which the department is the sole beneficiary, sufficient in form and amount to meet all reasonably foreseeable costs of clean up, environmental remediation, fire-fighting, ground water or surface water contamination, private property contamination, public health impacts, displacement and relocation of affected persons, and any other reasonably foreseeable costs associated with the operation, management or abandonment of any pyrolysis and gasification facilities, including but not limited to the operation and storage of post-use polymer, plastic polymer, incidental contaminants or impurities. The costs of a surety bond being used to demonstrate financial responsibility may be borne by the South Carolina Department of Commerce’s Closing Fund.”

SECTION _____. The provisions of this act are repealed on December 31, 2026. /

Re-number sections to conform.

Amend title to conform.

Senator MARTIN spoke on the amendment.

Senator VERDIN spoke on the amendment.

Senator VERDIN moved to lay the amendment on the table.

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

Ayes 27; Nays 15

AYES

Adams	Alexander	Bennett
Climer	Corbin	Cromer
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Kimbrell	Leatherman	Loftis
Massey	Peeler	Rankin

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Rice	Scott	Senn
Setzler	Shealy	Turner
Verdin	Williams	Young

Total--27

NAYS

Allen	Campsen	Davis
Fanning	Harpootlian	Hutto
<i>Johnson, Michael</i>	Kimpson	Malloy
Martin	McElveen	McLeod
Sabb	Stephens	Talley

Total--15

The amendment was laid on the table.

Amendment No. 1A

Senator SENN proposed the following amendment (525R010.KM.SS), which was carried over:

Amend the bill, as and if amended, on page 3, line 27, by adding:

/ SECTION 2. Section 44-96-250(B)(13) of the 1976 Code is amended to read:

“(13) ‘Financial responsibility mechanism’ means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities and advanced recycling facilities. Available financial responsibility mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as determined by the department by regulation.”

SECTION 3. Section 44-96-290 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() An advanced recycling facility must demonstrate financial responsibility prior to being issued a permit for the facility or prior to the facility being placed in operation. To demonstrate financial responsibility, the facility must establish a cash trust fund under the control of the department or obtain a surety bond for which the department is the sole beneficiary, sufficient in form and amount to meet all reasonably foreseeable costs of clean up, environmental remediation, fire-fighting, ground water or surface water contamination, private

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property contamination, public health impacts, and displacement and relocation of affected persons, and any other reasonably foreseeable costs associated with the operation, management, or abandonment of any pyrolysis and gasification facilities, including, but not limited to, the operation and storage of post-use polymer, plastic polymer, or incidental contaminants or impurities.” /

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

/SECTION __. The provisions of this act terminate on June 30, 2026. /

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator VERDIN spoke on the amendment.

Senator VERDIN moved to carry over the amendment.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

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Total--0

The amendment was carried over.

Amendment No. 2

Senator SENN proposed the following amendment (525R004.SP.SS), which was carried over:

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

/SECTION __. No post-use polymers or recovered feedstocks that are subject to the provisions of this act may be received from an out-of-state entity for a period of ten years after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Senator SENN spoke on the amendment.

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

Amendment No. 3

Senators CAMPSSEN and SENN proposed the following amendment (525R006.SP.GEC), which was withdrawn:

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

/ SECTION __. The Department of Health and Environmental Control shall promulgate regulations to provide for an environmentally responsible manner for storage, handling, and transporting plastic pellets, commonly referred to as nurdles, that were used as feedstock for advanced recycling, that were produced from advanced recycling, or that were manufactured using a product produced from advanced recycling./

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN spoke on the amendment.

On motion of Senator CAMPSSEN, the amendment was withdrawn.

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Amendment No. 8

Senator McELVEEN proposed the following amendment (DG\525C006.NBD.DG21):

Amend the bill, as and if amended, by striking the unnumbered SECTION containing the amendment to Section 48-1-50, as contained in the committee amendment, and inserting:

/ SECTION ____ . Section 48-1-50 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() The department may review and consider the environmental compliance history of an applicant or person in making a determination to issue, reissue, deny, revoke, modify, or suspend a permit or interim status, prohibit the transfer of a permit or the transfer or achievement of interim status, or prohibit a change in ownership or controlling interest in an existing facility.” /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN spoke on the amendment.

Motion Adopted

Senator VERDIN asked unanimous consent to proceed to Amendment No. 16.

There was no objection.

Amendment No. 16

Senators DAVIS, GAMBRELL, MALLOY, McELVEEN, CAMPSER, SENN, KIMPSON, SABB, SCOTT, STEPHENS, McLEOD and ALLEN proposed the following amendment (525R013.KM.TD), which was adopted:

Amend the bill, as and if amended, on page 3, line 27, by adding:

/SECTION 2. Section 44-96-250(B)(13) of the 1976 Code is amended to read:

“(13) ‘Financial responsibility mechanism’ means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste management facilities and advanced recycling facilities. Available financial responsibility mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as determined by the department by regulation.”

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SECTION 3. A. Section 44-96-290 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() An advanced recycling facility must demonstrate financial responsibility prior to being issued a permit for the advanced recycling facility or prior to the advanced recycling facility being placed in operation. To demonstrate financial responsibility, the advanced recycling facility must establish a cash trust fund under the control of the department or obtain a surety bond for which the department is the sole beneficiary, sufficient in form and amount to meet all reasonably foreseeable costs of clean up, environmental remediation, fire-fighting, ground water or surface water contamination, private property contamination, public health impacts, and displacement and relocation of affected persons, and any other reasonably foreseeable costs associated with the operation, management, or abandonment of any pyrolysis and gasification facilities, including, but not limited to, the operation and storage of post-use polymer, plastic polymer, or incidental contaminants or impurities, provided, however that no cash trust fund or surety bond shall be required if the advanced recycling facility establishes to the department that such costs are not reasonably foreseeable.”

B. The Department of Health and Environmental Control shall, on or before the second anniversary of the effective date of this act, issue a report to the General Assembly. The report must include the department’s analysis of the advanced recycling facility industry and its recommendation as to whether, given the industry’s record in this State or elsewhere in regard to matters including, without limitation, its costs of clean up, environmental remediation, fire-fighting, ground water or surface water contamination, private property contamination, public health impacts, and displacement and relocation of affected persons, and any other reasonably foreseeable costs associated with the operation, management, or abandonment of any pyrolysis and gasification facilities, a cash trust fund or surety bond should be required of the advanced recycling facility, and if so, in what amount.

C. The provisions of this SECTION terminate on the third anniversary of the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN spoke on the amendment.

The amendment was adopted.

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Motion Adopted

On motion of Senator McELVEEN, with unanimous consent, Amendment Nos. 8-14 were withdrawn.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent, Amendment No. 15A was withdrawn.

The question then was second reading of the Bill.

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

Ayes 39; Nays 3

AYES

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

Total--39

NAYS

Harpootlian	Kimpson	McElveen
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Total--3

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

S. 525--Ordered to a Third Reading

On motion of Senator MASSEY, with unanimous consent, S. 525 was ordered to receive a third reading on Thursday, March 18, 2021.

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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 morning at 11:00 A.M., under the provisions of Rule 1B.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael Ryan Wood of Edgefield, S.C. Michael was a freshman at Furman University. He was a member of the 2017 AA Band Directors Association State Championship squad, an All-Region Band member and was chosen for the University of South Carolina Band Clinic. Ryan was a member of the State Champion Mock Trial team in 2017, 2019 and 2020. Ryan loved acting and singing and performed in Murder's in the Heir, Big Fish, Aladdin and Shrek. Ryan was a James Otis Scholar and attended Palmetto Boys State. Ryan was a loving son, devoted brother and loyal friend who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Frank Tourville, Sr. of Orangeburg, S.C. Frank was the founder of Zeus Industrial Products, Inc. Frank served in the Korean War. After working in the extrusion industry for 10 years, he launched Zeus Industrial Products, Inc. and created over 1,200 jobs in South Carolina. He has received numerous awards including the M.I. "Whitney" Bro Lifetime Achievement Award, the Order of the Palmetto and the S.C. Rural Entrepreneur of the Year to mention a few. Frank shared his time, experience and resources to many charities, community initiatives and colleges. Frank was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 7:16 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M., under the provisions of Rule 1B.

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