

NO. 46

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



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020**

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**WEDNESDAY, JUNE 24, 2020**

**Wednesday, June 24, 2020**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SCOTT. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1240 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Gambrell, Gregory, Climer, Cromer, Shealy, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO ENACT THE SC LEADS ACT; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-85, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL SHALL ESTABLISH REQUIRED STANDARDS FOR ALL LAW ENFORCEMENT AGENCIES, TO PROVIDE THAT THE COUNCIL SHALL HAVE THE AUTHORITY TO TAKE PUNITIVE ACTION AGAINST ANY LAW ENFORCEMENT AGENCY THAT REFUSES TO IMPLEMENT AND ENFORCE COMPLIANCE WITH THESE STANDARDS, AND TO PROVIDE A PENALTY FOR SUCH A FAILURE.

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

S. 1241 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Climer, Cromer, Shealy, Gambrell, Gregory, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS FOR THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO PROVIDE THAT SLED SHALL HAVE SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY OVER CERTAIN INVESTIGATIONS AND TO PROVIDE

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EXCEPTIONS, TO PROVIDE FOR SITUATIONS IN WHICH THE SUBJECT OF AN INVESTIGATION IS A SLED OFFICER, TO PROVIDE FOR JURISDICTION, TO PROVIDE THAT THE ATTORNEY GENERAL HAS THE EXCLUSIVE AUTHORITY TO MAKE PROSECUTORIAL DECISIONS AND MUST DO SO WITHIN NINETY DAYS, TO PROVIDE A PENALTY, AND TO DEFINE NECESSARY TERMS.

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

S. 1242 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Gambrell, Gregory, Climer, Cromer, Shealy, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND SECTION 23-23-40 OF THE 1976 CODE, RELATING TO THE CERTIFICATION REQUIREMENT FOR LAW ENFORCEMENT OFFICERS, TO REQUIRE LAW ENFORCEMENT OFFICERS TO COMPLETE AN APPROVED FIELD TRAINING PROGRAM, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS NOT CERTIFIED SHALL ONLY PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER UNDER CERTAIN CIRCUMSTANCES AND WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER, AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS GRANTED AN EXCEPTION FOR FAILING TO SECURE CERTIFICATION WITHIN ONE YEAR OF HIS DATE OF EMPLOYMENT SHALL BE GRANTED THE EXCEPTION FOR A PERIOD NOT LONGER THAN NINETY DAYS AND SHALL ONLY PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER.

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

S. 1243 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Climer, Cromer, Shealy, Gambrell, Gregory, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-45, TO PROVIDE FOR A MODEL TRAINING PROGRAM FOR NEWLY APPOINTED CHIEFS OF POLICE, REVISIONS TO THE PROGRAM, AND THE TIME PERIOD TO COMPLETE THE

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PROGRAM, AND TO PROVIDE THAT THE TRAINING PROGRAM DOES NOT APPLY TO DULY ELECTED SHERIFFS.

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

S. 1244 -- Senators Massey, Hembree, Alexander, Campsen, Talley, Turner, Bennett, Campbell, Gambrell, Gregory, Climer, Cromer, Shealy, Peeler, Rice, Davis, Leatherman and Loftis: A BILL TO AMEND SECTION 23-23-150(A) AND (B) OF THE 1976 CODE, RELATING TO ADJUDICATIONS OF ALLEGATIONS OF MISCONDUCT, TO PROVIDE THAT MISCONDUCT ALSO MEANS WILFULLY FAILING TO INTERVENE WHEN OBSERVING ANOTHER LAW ENFORCEMENT OFFICER NOT COMPLYING WITH THE STANDARDS ESTABLISHED BY THE LAW ENFORCEMENT TRAINING COUNCIL, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT HAS MADE A REPORT SHALL FULLY COOPERATE WITH ANY INVESTIGATION BY THE COUNCIL TO INCLUDE MANDATORY ATTENDANCE BY A REPRESENTATIVE OF THE AGENCY KNOWLEDGEABLE OF THE CIRCUMSTANCES SURROUNDING THE ALLEGATION AT ANY SCHEDULED HEARING, AND TO PROVIDE A PENALTY.

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

**READ THE THIRD TIME  
RETURNED TO THE HOUSE**

The following Resolution was read the third time and ordered returned to the House of Representatives.

H. 5202 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2019-2020, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator MASSEY.

**REMARKS**

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator SENN were ordered printed in the Journal of March 5, 2020:

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**Remarks by Senator SENN**

Colleagues, for two years we fought over plastic bags and whether communities could be able to stop plastic bags from being given out in their stores, so hopefully they would not get into the waterways. Unfortunately, in our area of Charleston last summer there was a spill of something called a nurdle and here is what a nurdle looks like.

Those of you who do not know these are basically pre-production plastics; it's not microplastic, but these are being entered into our harbor through a company that actually is a tenant at the Port. Their facility hangs over the Port and every time they spill these things, which is often, they run around like little BBs and they get right into our water. You can pick up this amount of pellets -- I challenge you, if you go to Waterfront Park, you can pick up this amount of pellets in maybe 15 or 20 minutes just looking over the rail. Climb down there and this is what you can pick up.

I filed a Bill to try to stop this, S. 941, because DHEC does not have the authority to regulate or fine these nurdle manufacturers, and I think they should. Unfortunately, that Bill has not seen the light of day because the Port objects. Why would the Port object you might ask? Well that's because the Port hopes to get one-half of all nurdle shipping business within the next three or four years and they expect by 2023, ten million more tons will be coming in through Charleston. There was a recent study by an academic out of Texas that was looking into the nurdle pollution. She found that Charleston Harbor has the most polluted harbor with these nurdles of anywhere in the country, except for the Gulf of Mexico where they are produced. The Port for some reason, for whatever reason, is allowing this to continue to happen. And what I'm hearing is that...well Frontier is going to be moving over land soon and therefore we've only got a few more years for them to pollute the harbor while they're building their facility. However, Frontier previously had their facility over land and polluted their neighbors' property with all of these little pellets because they're easy...you hit them with any type of a forklift and they are going to run everywhere and you can't contain them. So, even over land these little things, that can even blow around in the wind, are going to get into our storm water system and waterways.

I am hopeful that I am going to be able to get some type of a study, even though I don't even really know why we need a study, because you can look over the railing at the harbor and see that you've got these plastics in the water. But, a study is better than nothing and I would appreciate that we at least get the study going so that maybe next year, or some year, we will be able to actually regulate this industry. Because

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even though it is going to be bringing a bunch of money to our area, money is not as important as the environment in my judgement. I would also like to point out that Frontier has been sued by conservationists based on the Clean Water Act since DHEC did not have authority to act. What is highly unusual, in my view, is that Frontier and the Port are sharing the same lawyer -- defending that suit. That tells you how in bed they are with the nurdle industry over money and that needs to be stopped. Thank you, Mr. PRESIDENT.

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator KIMPSON were ordered printed in the Journal of May 12, 2020:

**Remarks by Senator KIMPSON**

Mr. PRESIDENT and members, yesterday I had the occasion to participate in the delivery of hundreds of thousands of PPE, personal protective equipment. We have all been watching TV. We know that PPE is in demand all across the country. We are very fortunate to have a good corporate citizen like Boeing, whose facility happens to be in Senate District 42, and we are also fortunate to have a good institution like the Medical University of South Carolina (MUSC) that is spearheading an initiative, led by Dr. David Cole, to get these PPE out to the front-line workers as we seek to ramp up our testing efforts all across the State.

Now, this is very, very important for us in reopening our economy. I don't know about you but when I get sick, I go to a doctor, and I follow what the doctor tells me to do. I don't listen to any politician trying to tell me how to protect myself from the corona virus. What most credible physicians say is you have to wear your mask. We have to have the ability to track and trace -- track and trace. This is not rocket science. I drove out to Aviation Avenue. I was invited, and I sat among some of the state's highest dignitaries. I don't know who let me on the program but I was honored to bring remarks on behalf of Senate District 42. We started out talking about what a significant announcement it is to have hundreds of thousands of PPE coming to South Carolina. Even having said that and with the power that was up there on that rostrum -- we had the Governor, a U. S. Senator, members of Congress -- none of us collectively had the power to bring back the 300 lives lost due to the corona virus. We have a lot of power but we can't bring those people back. We can't reverse the thousands of people who have tested positive since the outbreak of the pandemic. So recognizing the story that will be

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written -- and there's going to be a story written when we reflect on history, we have to look to optimism. Optimism on that day was that we had South Carolina entities stepping up to help protect our citizens. Boeing flew three dream liners. I'm told by their CEO, Dave Calhoun, that never before in the world have there been three dream liners lined up like what we had that day. Those dream liners were full of equipment. The Innovation Center and MUSC -- both in Senate District 42 -- were there. We were all there to applaud and welcome them. The authors of our future will one day write about this great day in South Carolina.

As we end that chapter and hopefully return to some sense of normalcy, we would be remiss if we didn't recognize the deaths of our citizens from COVID. We also need to recognize the fact we have many people in the State of South Carolina -- particularly in the African-American community and we need to know what is our plan to track and trace. Yesterday, I think we took a step in the right direction. We reflect to do our duty here today, I didn't want to go away without recognizing the help of our business partners in Senate District 42. Duly noting we are in a pandemic. We are all duty-bound to exercise good habits because as leaders we should set a good example.

In closing, let me just say, it is good to be back in this Body and to see my colleagues. I'm ready to do the business and work of the people. Hopefully we can get some meaningful work done on behalf of South Carolinians, and to know that two great institutions assembled in Charleston on a beautiful day with three dream liners to do the work of the people and saving us by their commitment to this State from the devastation of this pandemic. Thank you, Mr. PRESIDENT.

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#### **ADDENDUM TO THE JOURNAL**

The following remarks by Senator CASH were ordered printed in the Journal of May 12, 2020:

##### **Remarks by Senator CASH**

I have introduced a Bill that will add several paragraphs to the Code to clarify, and make sure when it says a period of time -- you know 15 days needs our consent, that's actually what it means. All right, that's a Bill. That's legislation.

This is a Concurrent Resolution that I'm talking about. Now, I want you all to understand that the point here is not whether you believe the state of emergency should continue or whether you would have voted for it to continue, or whether you believe it should have been stopped and

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you would have voted -- that's not the point. We are talking about the rule of law and what the law says and what our duty is. So, if you will actually look at the Concurrent Resolution and look at the part where it says, "Be it resolved", that's what this Resolution is about. And what it says is, it is the sense of the General Assembly that changing circumstances or a change in the degree of the impact of the underlying imminent or actual threat, event, occurrence or similar incident giving rise to a state of emergency are not sufficient grounds upon which to declare a state of emergency subsequent to a state of emergency declared pursuant to Section 25-1-440. Basically, that is saying you cannot have one state of emergency, COVID-19, and then every 15 days say that it has changed enough or evolved enough to become a separate and distinct -- a new state of emergency-- new, thereby skirting the consent requirement of the law. You can't do that. We are just saying that is our sense; that you cannot claim that some evolution in the state of emergency allows you to claim a new state of emergency. Otherwise, there is no consent requirement in the law. You could do that every 15 days forever.

So, we are just saying that is our sense. We also say, if you concur with this, that it is the sense of the General Assembly -- that it is the Governor's duty to ask for consent. If a state of emergency needs to be extended beyond 15 days, and that it is the General Assembly's duty to give consent in a timely manner, if the General Assembly determines such an extension is warranted. If explicit consent is not given by the General Assembly, the state of emergency expires 15 days after declared. This is not binding. It is a Concurrent Resolution expressing our sense and affirming what we believe the plain meaning of that one sentence is. Which is, a state of emergency cannot continue for more than 15 days without the consent of the General Assembly. Mr. PRESIDENT, I would ask for unanimous consent for us to consider the Resolution.

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator ALEXANDER were ordered printed in the Journal of May 12, 2020:

**Remarks by Senator ALEXANDER**

Thank you Mr. PRESIDENT and I will be brief. I could not let it go without saying a couple things. I appreciate the work and the sincerity of work from Senator CASH. I also appreciate the work of our Governor of this State, Henry McMaster. I can't imagine what it's been like to be



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in those shoes, making those difficult, tough decisions in these last eight to ten weeks that we have been dealing with this. Every virus state in the nation is under a state of emergency. The nation is under a state of emergency. Today, as we are here doing other work, I personally just don't feel comfortable that now is the time for us to be passing a Resolution that sends this signal.

The Governor is continuing to work for the people of South Carolina, for their health and well-being. I can't begin to imagine how many peoples' lives have been saved because of his actions and prevention that has occurred from that standpoint, and the people have been doing what has been asked of them to do. Not getting into those things, but the social distancing, cleaning their hands and other things that we are supposed to be doing has saved the lives of South Carolinians.

So today, under the circumstances, I do not feel comfortable and will not be supporting this Resolution today. There will be another day in my opinion, for us to discuss what we need to be doing going forward and a policy that addresses these Executive Orders -- States of Emergencies and things of that nature, but today is not the day for us to be addressing this. I will be casting my vote against the Resolution and wish the Governor Godspeed in the work he has continued to do for the people of this State.

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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. Kris Nelson of Mullins, S.C. Kris was the Associate Probate Judge for Marion County. She was a beloved person who served her community faithfully. Kris was a loving wife, devoted mother and sweet friend who will be dearly missed.

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and

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Donald Emory Robinson of Greenwood, S.C. Donald was a graduate of Claflin University and taught school in several school districts around the state. He served in the Korean War and on the Greenwood County Council for many years. He worked full time in his family business Robinson & Son Mortuary, Inc. after retirement from teaching. Donald was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William “Billy” Hatcher, Jr. of Gaffney, S.C. Billy was the former co-owner and operator of Shuford-Hatcher Funeral Home and Frederick Memorial Gardens. He was a member of the Gaffney Elks Lodge and a former board member of Palmetto bank. Billy was a member of the Lyman Hamrick Sunday School Class at First Baptist Church of Gaffney. Billy was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 11:10 A.M., on motion of Senator SHEALY, the Senate adjourned pursuant to S. 1194, the *Sine Die* Resolution.

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